

# **AGENDA CITY COUNCIL OF THE CITY OF BATH, MAINE**

## **Regular Meeting**

**Wednesday, February 14, 2018 6:00pm**  
**Postponed from February 7, 2018 due to storm**  
**City Council Chambers, Bath City Hall**

*We encourage your comments and views, and appreciate your participation in your local government.*

A. Pledge of Allegiance

B. Roll Call

*Presentation of City Chair and Proclamation to former Councilor James Omo for his 9 years of service for the citizens of Bath.*

*Presentation of City Chair and Proclamation to Captain David Hudson for his 31 years of service with the Bath Fire Department for the citizens of Bath.*

*Presentation by Patricia Quinn, Executive Director of Northern New England Passenger Rail Authority, on the Amtrak Downeaster's future plans for the Bath Area.*

C. Public Hearings:

- 1) Ordinance: Approval of City Manager's Contract. (second passage)
- 2) Ordinance: Land Use Code Zoning Map change for Maine Maritime Museum. (second passage)
- 3) Ordinance: Chapter 6. Cemeteries and Parks, Article 5. Bath Community Forestry Ordinance, Sec. 6-103(C). Bath Community Forestry Committee. (second passage)
- 4) New Liquor and Special Amusement Licenses for Larry and Larry, LLC located at 128 Front Street. (approval)

D. Consent Agenda

(Items as marked with an asterisk (\*) on the agenda shall be considered routine matters not requiring debate. In the case of items marked with an asterisk, the motion as stated in parenthesis following the items on the agenda shall be considered to have been passed by the City Council as part of the Consent Agenda. Any Councilor wishing to have any item so marked with an asterisk 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 dealt with in the normal course of the meeting.)

\*5) Minutes of the previous Council Meeting of January 3, 2018. (Motion to Accept as Presented)

E. Time Devoted to Residents to Address The City Council

F. Ordinances, Resolutions and Orders

- 6) Order: Authorizing Purchase of a 2016 Schwarze Tornado Model Street Sweeper for \$216,000.00. (motion to pass)
- 7) Order: Approving Bid and Contract for Wastewater Treatment Plant Upgrade Project. (motion to pass)
- 8) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions, Washington Street – West Side {Pine Street to Pleasant Street} (first passage)

9) Ordinance: Moratorium – Prohibiting the Location and Operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs. (first passage)

G. Petitions & Communications

H. City Manager's Report

I. Committee Reports, if any

J. Unfinished Business

K. New Business

10) Appointment of a member to the Bath Forestry Committee with a term ending October 2021.

L. Councilor Announcements

ADJOURN

## ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CONTRACT WITH THE CITY MANAGER, PETER H. OWEN, FOR A TWO (2) YEAR PERIOD BEGINNING JANUARY 3, 2018 AND RUNNING THROUGH JANUARY 2, 2020, BE AND HEREBY IS APPROVED.

*First Passage*  
CITY OF BATH MAINE  
IN CITY COUNCIL  
*January 3, 2018*  
RECEIVED READ AND ACCEPT  
☐ TABLED ☒ GRANTED ☐ PASSED ☐ FAILED  
REFERRED TO: *Mary White*  
ATTEST *Mary White*  
CITY CLERK

*Second Passage*  
CITY OF BATH MAINE  
IN CITY COUNCIL  
*February 7, 2018*  
RECEIVED READ AND ACCEPT  
☐ TABLED ☒ GRANTED ☐ PASSED ☐ FAILED  
REFERRED TO: \_\_\_\_\_  
ATTEST \_\_\_\_\_  
CITY CLERK



## ORDINANCE

WHEREAS, the City Council of the City of Bath, as part of the adoption of the Bath Land Use Code on July 19, 2000, effective August 9, 2000, depicted the boundaries of all Land Use Districts on a Zoning Map of the City of Bath, also dated July 19, 2000, incorporated by reference into the Land Use Code pursuant to the provisions of Section 7.02 of the said Code; and

WHEREAS, it is necessary and appropriate that the boundaries of the Land Use Districts be, from time to time, adjusted and amended, in order to create new Districts and adjust boundary lines of existing Districts.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that the Zoning Map of the City of Bath, dated July 19, 2000, be and hereby is amended in accordance with the new official Zoning Map of the City of Bath, affixed hereto and made a part hereof and a part of the Land Use Code. The specific adjustment is as follows:

Rezoning of property designated as 233 and 237 Washington Street and further designated as Lots 13 and 14 on Tax Map 38. The proposed Land Use Map rezoning is to rezone the two lots from its current R2 Residential Zone to the Museum Zone. The Planning Board has reviewed and recommends this Land Use Map amendment and has determined that the amendment conforms to the Comprehensive Plan and meets all applicable Ordinance requirements.

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ATTEST *Mary White*  
CITY CLERK

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ATTEST \_\_\_\_\_  
CITY CLERK



## 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 6. CEMETERIES AND PARKS

#### Article 5. Bath Community Forestry Ordinance

Sec. 6-103. Bath Community Forestry Committee.

...

Add a new Section C. Members, and re-letter the remaining Sections, as follows:

C. Members: The Bath Community Forestry Committee shall consist of no fewer than five (5) members, and no more than eleven (11) members who shall serve three (3) year terms. One (1) of the members shall be a member of the Bath City Council and all members shall be appointed by the Bath City Council. The members shall also constitute the Board of Trustees of the Bath Community Forestry Trust. The terms of the Committee members shall coincide with the terms of the Trustees, and an appointment as a member of the Bath Community Forestry Committee shall constitute an appointment as a Trustee of the Bath Community Forestry Trust. Terms shall run through September 30<sup>th</sup>. The term of the City Council Representative shall be a one (1) year term and coincide with the Council year and with Council appointments made in January of each year. Reference shall be made to Section 1(a) of the Bath Community Forestry Trust.

DE. Ex Officio Members: The Director of Cemeteries, Parks and Recreation and the City Arborist serve the Committee as non-voting ex officio members.

ED. Compensation: All members of the Committee shall serve without compensation.

Amendment to Bath Community Forestry Trust:

1. Trustees.

a. Board of Trustees.

This trust shall be governed by a Board of Trustees consisting of no fewer than five (5) members, and no more than ~~eleven~~<sup>nine</sup> (11<sup>9</sup>) members who shall serve three (3) year terms. The ~~initial~~ trustees shall consist of and be concurrent with members of the Bath Community Forestry Committee. ~~The Committee members shall determine how the one, two, and three year initial terms shall be distributed, and if no agreement can be reached, then distribution will be made by lottery.~~ Terms shall run through September 30<sup>th</sup>, except the City Council Representative whose term shall be one (1) year consistent with the Council year. Reference shall be made to Chapter 6, Cemeteries and Parks, Article 5, Bath Community Forestry Ordinance, Section 6-103(C).

*First Passage*  
CITY OF BATH MAINE  
IN CITY COUNCIL  
*January 3, 2018*  
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☒ TABLE ☒ DELETED ☒ PASSED ☐ FAILED  
DEPT. CO. \_\_\_\_\_  
ATTEST \_\_\_\_\_  
*Mary White*

*Second Passage*  
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DEPT. CO. \_\_\_\_\_  
ATTEST \_\_\_\_\_

C4

# NOTICE

THE MUNICIPAL OFFICERS OF THE CITY OF BATH WILL CONDUCT A PUBLIC HEARING FOR APPROVING:

the **LIQUOR and SPECIAL AMUSMENT LICENSES APPLICATIONS** FOR:

**Larry and Larry, LLC  
128 Front Street  
John Peter Lomba III, Contact Person**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, FEBRUARY 7, 2018 AT 6:04 P.M.** IN THE COUNCIL CHAMBERS, 3RD FLOOR, AT CITY HALL, BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATIONS SHOULD OR SHOULD NOT BE APPROVED.

Mary J. White  
CITY CLERK



**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**  
**8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008**  
**10 WATER STREET, HALLOWELL, ME 04347**  
**TEL: (207) 624-7220 FAX: (207) 287-3434**  
**EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV**

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

<input type="checkbox"/> RESTAURANT (Class I,II,III,IV)	<input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI)	<input type="checkbox"/> CLASS A LOUNGE (Class X)
<input type="checkbox"/> HOTEL (Class I,II,III,IV)	<input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A)	<input type="checkbox"/> BED & BREAKFAST (Class V)
<input type="checkbox"/> CLUB w/o Catering (Class V)	<input type="checkbox"/> CLUB with CATERING (Class I)	<input type="checkbox"/> GOLF COURSE (Class I,II,III,IV)
<input type="checkbox"/> TAVERN (Class IV)	<input type="checkbox"/> QUALIFIED CATERING	<input type="checkbox"/> OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <i>LARRY AND LARRY, LLC.</i>	Business Name (D/B/A) _____
APPLICANT(S) –(Sole Proprietor) DOB: _____	Physical Location: <i>128-132 FRONT STREET</i>
DOB: _____	City/Town State Zip Code <i>BATH, MAINE 04530</i>
Address <i>128 FRONT STREET</i>	Mailing Address <i>- SAME AS ABOVE -</i>
City/Town State Zip Code <i>BATH, MAINE 04530</i>	City/Town State Zip Code _____
Telephone Number Fax Number <i>207.389.4588</i>	Business Telephone Number Fax Number <i>207.389.4588</i>
Federal I.D. # <i>02-3638712</i>	Seller Certificate #: or Sales Tax #: _____
Email Address: Please Print <i>128FRONTSTREET@GMAIL.COM</i>	Website: _____

If business is NEW or under new ownership, indicate starting date: *MARCH 15, 2018*

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: \_\_\_\_\_
- State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐  
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No  
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business	Physical Location	City / Town

5. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
6. If manager is to be employed, give name: \_\_\_\_\_
7. Business records are located at: \_\_\_\_\_
8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐
9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
JOHN PETER LOMBA II	4/6/1968	BOSTON, MA.
DAN THOMAS LOVINSBURY	9/20/1968	PORTLAND, ME.
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
SEATTLE, WA. (2014-2018)		
PORTLAND, ME. (1997-2016)		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒
- Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_
- Offense: \_\_\_\_\_ Location: \_\_\_\_\_
- Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)
12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_
13. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐
14. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: \_\_\_\_\_  
COLIN MARCIN, TEXAS, USA
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☐ NO ☐ Applied for: \_\_\_\_\_
17. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? \_\_\_\_\_
- Which of the above is nearest? \_\_\_\_\_
18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒
- If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: BATH MAINE on January 26, 20 18  
Town/City, State Date

**Please sign in blue ink**

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

### FEE SCHEDULE

**FILING FEE:** (must be included on all applications) .....\$ 10.00

**Class I** Spirituous, Vinous and Malt .....\$ 900.00

**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

**Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) .....\$1,100.00

**CLASS I-A:** Hotels only that do not serve three meals a day.

**Class II** Spirituous Only .....\$ 550.00

**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

**Class III** Vinous Only .....\$ 220.00

**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

**Class IV** Malt Liquor Only .....\$ 220.00

**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

**Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....\$ 495.00

**CLASS V:** Clubs without catering privileges.

**Class X** Spirituous, Vinous and Malt – Class A Lounge .....\$2,200.00

**CLASS X:** Class A Lounge

**Class XI** Spirituous, Vinous and Malt – Restaurant Lounge .....\$1,500.00

**CLASS XI:** Restaurant/Lounge; and OTB.

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

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THE UNIVERSITY OF CHICAGO  
CHICAGO, ILLINOIS 60637

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**CITY OF BATH, MAINE**  
**APPLICATION FOR**  
**SPECIAL AMUSEMENT PERMIT FOR MUSIC, DANCING**  
**OR ENTERTAINMENT FOR ESTABLISHMENTS**  
**LICENSED FOR THE SALE OF LIQUOR**

NAME OF APPLICANT: JOHN P. LOMBARTE

RESIDENCE: 55 WILLOW ST. BATH, MAINE 04530

NAME OF BUSINESS: LARRY AND LARRY, LLC.

BUSINESS ADDRESS: 128 FRONT STREET, BATH, ME. 04530

1. Describe in detail kind and nature of entertainment:

SOLO ACOUSTIC / DVD ACOUSTIC MUSIC, FILMS, POETRY  
& AUTHOR READINGS

2. Describe in detail room or rooms to be used under this permit:

UP STAIRS / DOWNSTAIRS LOUNGES

3. Has applicant ever had a license to conduct the business herein described either denied or revoked?

N/O. If so, describe circumstances:

4. Has applicant, including partners or corporate officers ever been convicted of a felony? NO  
If so, describe specifically those circumstances:

5. When does your current liquor license expire? N/A

Signature of Individual

Name of Corporation

If Partnership, members of partnership

If Corporation, dully authorized Officer

Application for Special Amusement Permit: (Fee of \$25.00 must accompany application)

Dated at BATH, MAINE on JANUARY 26, 20 18

MRSA Title 28-A §1054

This permit includes:

- A. Any music, except radio or other mechanical device.
- B. Any dancing; or
- C. Entertainment of any sort.

This permit is required if a licensee for sale of liquor to be consumed on the premises provides activities or entertainment, listed above, must first obtain a special amusement permit from the municipality in which the licensed premises are located.

STATE OF MAINE  
Sagadahoc County, ss  
Bath, Maine

The undersigned being Municipal Officer(s) of the City of Bath, Maine hereby approve the application in accordance with the provisions of Title 28-A §1054, Maine Revised Statutes.

Dated: \_\_\_\_\_

Approved by:

Codes Enforcement Officer: By Email

Date: 1/31/18

Police Chief: By Email

Date: 1/29/18

Fire Chief: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF BATH, MAINE**

450 Oak Grove Avenue  
Bath, ME 04530

**DEPARTMENT OF PUBLIC WORKS**

Lee Leiner, P.E., Director  
[lleiner@cityofbath.com](mailto:lleiner@cityofbath.com)  
207.443.8357  
fax 207.443.8352

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**MEMORANDUM**

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**TO:** BATH CITY COUNCIL  
**FROM:** LEE LEINER, PUBLIC WORKS DIRECTOR  
**SUBJECT:** COUNCIL APPROVAL OF STREET SWEEPER PURCHASE  
**DATE:** JANUARY 30, 2018  
**CC:** PETER OWEN, CITY MANAGER

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The Public Works Department has accepted a bid proposal from Howard P. Fairfield for a 2016 Schwarze Tornado Model #A7 street sweeper. The equipment will replace a 2000 Johnson J 3000 and will be used for cleaning streets. The proposal includes the trade-in of the existing equipment. The price of the new sweeper is \$226,000.00 and the trade-in value is \$10,000, bringing the net purchase price to \$216,000.00.

The City Council approved \$215,000 for the purchase of a new Public Works street sweeper in the FY2018 budget and will be paid from account 05-0520-533.

Staff recommends the council approve this order.



**ORDER  
APPROVING PURCHASE STREET SWEEPER**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF H P. FAIRFIELD, AS SUPPLIER FOR A 2016 SCHWARZE TORNADO MODEL STREET SWEEPER, FOR THE TOTAL BID PRICE OF \$216,000.00, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, BE AND HEREBY IS APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY, APPROPRIATE, OR CONVENIENT TO COMPLETE THE PURCHASE ON BEHALF OF THE CITY OF BATH. THIS PURCHASE IS FUNDED FROM CAPITAL EXPENDITURE BOND ACCOUNT 05-0520-533.



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**CITY OF BATH, MAINE**

450 Oak Grove Avenue  
Bath, ME 04530



**DEPARTMENT OF PUBLIC WORKS**

Lee Leiner, P.E., Director  
[lleiner@cityofbath.com](mailto:lleiner@cityofbath.com)  
207.443.8357  
fax 207.443.8352

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## MEMORANDUM

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**TO:** BATH CITY COUNCIL  
**FROM:** LEE LEINER, PUBLIC WORKS DIRECTOR  
**SUBJECT:** COUNCIL APPROVAL OF CONSTRUCTION CONTRACT WITH APEX  
CONSTRUCTION INC. FOR WASTEWATER TREATMENT PLANT UPGRADE  
PROJECT  
**DATE:** JANUARY 30, 2018  
**CC:** PETER OWEN, BATH CITY MANAGER

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This project includes the construction of a new sludge storage tank, replacement of existing sludge dewatering equipment, replacement of existing chemical storage and feeding systems, changes to the existing SCADA computer management system, repair of eroded concrete in the existing aeration basins, replacement of doors and windows, and repair or replacement of associated electrical, mechanical, chemical, structural, and sewage treatment systems.

The project is funded by a \$9.8 million bond approved by the voters of Bath in November 2015.

The project was engineered by Wright-Pierce Engineers, Inc. The company will perform construction inspection and testing services.

Apex Construction Inc. is experienced in performing this work. The company has previously worked at wastewater treatment plants in all of New England. They have an excellent reputation and staff has a high level of confidence in their ability to perform the work in the allotted time and for the contract amount.

Staff recommends the council approve this order.



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**ORDER**

**APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF APEX CONSTRUCTION INC. FOR THE 2018 BATH WASTEWATER TREATMENT PLANT UPGRADE PROJECT IN THE AMOUNT OF \$4,724,000.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND APEX CONSTRUCTION INC. IS HEREBY AUTHORIZED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY, APPROPRIATE, OR CONVENIENT TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THIS PROJECT IS FUNDED FROM WASTEWATER (FUND 7) ACCOUNT 07-0703-750.





**CITY OF BATH  
POLICE DEPARTMENT**


**MICHAEL W. FIELD**  
CHIEF of POLICE

250 Water Street

Bath, Maine 04530

(207) 443-5563

**Memorandum**

**To:** Members of the City Council  
**From:** Michael Field, Chief of Police   
**Ref:** Parking Ordinance – Washington Street  
**Date:** January 30<sup>th</sup>, 2018

TSO Devin Hook has received complaints about parking on Washington Street, west side, between Pine and Pleasant Streets. The complaints are that vehicles exiting Pine St. are being obstructed to the north due to vehicles parked in that area. This is causing a public safety issue. TSO Hook's suggestion was to eliminate parking spaces on Washington St. to improve visibility.

The issue was brought to the Transportation Meeting on January 24<sup>th</sup>, 2018. The Committee decided unanimously to move forward with the attached ordinance to resolve the problem. We respectfully ask that City Council vote in favor of the ordinance.

If you have any questions, please contact me.



## 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                      West Side

Delete the following:

From Pine Street to a point 50' feet south of Pleasant Street, 2 hour parking.

Replace with the following:

From Pine Street to a point 95' feet north, No Parking. From a point 95' feet north of Pine Street to a point 50' feet south of Pleasant Street, 2 hour parking.



Google Maps Pine St





# City of Bath

55 Front Street  
Bath, Maine 04530

Dept: 207/443-8363  
Fax: 207/443-8389



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## MEMORANDUM

**Planning &  
Development**

**TO:** Mari Eosco, Chair  
City Councilors

**FROM:** Andrew H. Deci, Director of Planning & Development

**DATE:** February 1, 2018

**RE:** Proposed Marijuana Moratorium

The City Council considered a moratorium on retail marijuana establishments (sales, testing facilities, production facilities, social clubs) in January of 2017. The Council chose not to impose a moratorium; at the time, the state legislature and agencies were expected to make progress on ordinance and rulemaking in the near months.

Unfortunately, the implementation of state-level rules has taken substantially longer than expected. Entrepreneurs are now pushing the boundaries of the existing medical marijuana program—opening retail store fronts and providing “retail” sales to non-patient customers. The pressure for retail store fronts to open is growing as the rules are still being developed in Augusta.

As such, the City’s staff committee monitoring and working on marijuana issues recommends the implementation of a moratorium on retail marijuana establishments and other non-state licensed dispensary operations for six months.

Please let City Solicitor Therriault or I know if you have any questions.



**MORATORIUM ORDINANCE  
PROHIBITING THE LOCATION AND OPERATION OF RETAIL MARIJUANA  
ESTABLISHMENTS AND RETAIL MARIJUANA SOCIAL CLUBS**

The City Council of the City of Bath, Maine hereby ordains as follows:

**1. Authority**

This Moratorium Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution, the provisions of 30-A M.R.S Section 301 (Home Rule), 30-A M.R.S Section 3001 (Ordinance Power), and 30-A M.R.S Section 4356 (Moratoria).

**2. Purpose**

The purpose of this Moratorium Ordinance is to temporarily prohibit the location, operation, licensing or permitting of any retail marijuana establishment or retail marijuana social club, as those terms are defined under the Marijuana Legalization Act (“Act”), 7 M.R.S. Section 2441 (specifically Section 2442), *et seq.*. The term retail marijuana establishment includes retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana stores, and retail marijuana testing facilities.

**3. Statement of Necessity**

The Act would legalize the recreational use of marijuana. The impact of this new law with regard to the public safety and welfare is of major concern given that marijuana has traditionally been illegal, and remains illegal under Federal statutes. The Act provides that the State licensing authority, created for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, testing, and sale, of retail marijuana and retail marijuana products, has been tasked to adopt appropriate rules within nine (9) months after the effective date of the Act.

The Act, in Section 2449(2) requires municipal approval after a license is issued by the State licensing authority, to enable a retail marijuana establishment or retail marijuana social club to operate. Under Subsection (4), a municipality may impose separate local licensing requirements, said requirements being at least as restrictive as the provisions of the Act and rules adopted pursuant to the Act.

The City requires time to understand any potential State rule making under the Act, as well as the impact of the Act on the City’s existing rules and ordinances which do not contemplate or address the recreational use of marijuana in any form, or the location and operation of any of the facilities designated in Section 2 above, related to recreational marijuana. As well, with the increased use of marijuana, additional burdens could be placed upon public safety personnel, facilities, and infrastructure.

Municipalities, pursuant to 30-A M.R.S. Section 4356(1)(a) and (b), are authorized to enact moratoria:

(a). To prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development; or

(b). Because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent public harm from residential, commercial or industrial development in the affected geographic area.

Therefore, in accordance with 30-A M.R.S. Section 4356(1)(a) and (b), and for the reasons stated above, the City Council of the City of Bath finds that a moratorium on retail marijuana establishments and retail marijuana social clubs is necessary and warranted.

#### **4. Conflict With Other Ordinances**

The provisions of this Moratorium Ordinance supersede any conflicting provisions of the Ordinances of the City of Bath.

#### **5. Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs**

During the time that this Moratorium Ordinance is in effect, no approval for retail marijuana establishments or retail marijuana social clubs, including but not limited to, site plan or subdivision approval, building permit, certificate of occupancy, or any other licenses or permits shall be issued for any such use on any property within the City of Bath. This shall apply to the requirement of municipal approval under 7 M.R.S. Section 2449(2).

#### **6. Effective Date and Duration**

This Moratorium Ordinance will become effective on the date of first passage by the City Council, assuming final approval after public hearing and second passage, as required under the provisions of Section 221 of the Charter of the City of Bath. The Moratorium shall remain in effect for a period of one hundred and eighty (180) days from the date of first passage, after which it shall be repealed, unless extended in accordance with Section 8 below.

#### **7. Exclusion**

This Moratorium shall not apply to a registered medical marijuana dispensary licensed pursuant to Title 22, Chapter 558-C, Section 2428 *et. seq.*, the Maine Medical Use of Marijuana Act.

#### **8. Extension**

Where the circumstances giving rise to the need for this Moratorium continue to exist and have not been fully resolved, this Moratorium may be extended by vote of the City Council for additional one hundred and eighty (180) day periods after appropriate notice and hearing and in accordance with the provisions of 30-A M.R.S. Section 4356(3) and Section 221 of the Charter of the City of Bath.

#### **9. Separability**

If any section, subsection, or provision of this Ordinance is declared to be invalid for any reason by any competent court, such a decision shall not affect the validity of any other section, subsection, or provision of this Ordinance.

**10. Violation**

Any violation of the terms of this Moratorium Ordinance shall be subject to the enforcement penalties under 30-A M.R.S.A. Section 4452. The violator shall be subject to the civil penalties contained therein and the City shall have the specific authority to obtain injunctive relief to prevent the licensing, location, establishment or operation of any recreational use facility within the City of Bath. This provision shall be in addition to, and not in lieu of, any other violation provisions or penalty provisions of applicable City Ordinances or State Law.



K10

City of Bath

Application for Appointment to City Board / Commission / Committee

Full Name: Julie S. Ambrosino

Street Address: 62 Green St., Bath, ME 04530

Home Tel # 207-504-4533

e-mail address jambrosino@hotmail.com

I live in Council Ward # 4

or  
julieambrosino@hotmail.com

I wish to be considered for appointment to the:

Bath Community Forestry Committee  
(Name of Board / Commission / Committee)

Check one or both:

Full Membership Status ☒

Term Begins: 2/2018

and/or  
Associate Membership Status ☐

Term Expires: 10/2021

Occupation: Registered Financial Associate

Employed by: Morgan Stanley

Work Tel #: 207-771-0859

Why do you want to be a member of this Board / Commission / Committee?

I desire to play an integral part in the activity and decisions related to the conservation, preservation and protection of trees and greenery throughout the city of Bath.

Please note any prior experience, knowledge, or abilities that you have which would contribute to the activities of the Board / Commission / Committee:

I have a degree in Biology, and minor in Environmental Geography, and have participated in various tree planting and environmental studies through the years. I believe my background and knowledge in the natural sciences will be useful while serving on this committee.

Have you ever served on a City Board / Commission / Committee?

No; recently elected to city council in 2017

If so, please list the Board / Commission / Committee and years of service:

01/03/2018  
Date

Julie Amb  
Signature



## PROCESSING LIQUOR LICENSE APPLICATIONS

When application is submitted to the City Clerk's Office for a Liquor License, the following procedure should be followed:

1. ~~Liquor License Application submitted.~~
2. ~~The City Clerk will set the date for a Public Hearing.~~ 2/7/18
3. ~~The City Clerk will create the Notice and have it published in the newspaper. The Notice has to be published for 3 consecutive days prior to the hearing. (Publication costs are borne by the applicant and a bill will be prepared by the Finance Office when the Times Record bill comes in. Reimbursement from applicant should be applied to Account #1140/1-30-0-0-20-55 (Newspaper advertising for liquor license notification for public hearing.)~~
4. Copy of the Notice should be sent to surrounding property owners and/or occupants.
5. ~~The City Clerk will notify the Codes Officer, Fire Chief and Police Chief by sending a copy of the Notice and Liquor License Application and request in writing their approval or disapproval of the license.~~
6. ~~The City Clerk will prepare the Notice for the Agenda and sees that the following people get the Notice at least 7 days prior to the hearing:~~
  - City Councilors
  - City Manager
  - City Solicitor
  - All News Media
  - Applicant
7. After the City Council Public Hearing, the application must be signed by the City Councilors. The City Clerk will notify the applicant that the application is ready for pickup.

Running  
Feb 2, 5<sup>th</sup>



**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**  
**8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008**  
**10 WATER STREET, HALLOWELL, ME 04347**  
**TEL: (207) 624-7220 FAX: (207) 287-3434**  
**EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)**

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application: ☒ Yes ☐ No

PRESENT LICENSE EXPIRES \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- |                                                         |                                                                                   |                                                          |
|---------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI)                  | <input type="checkbox"/> CLASS A LOUNGE (Class X)        |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV)      | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A)                         | <input type="checkbox"/> BED & BREAKFAST (Class V)       |
| <input type="checkbox"/> CLUB w/o Catering (Class V)    | <input type="checkbox"/> CLUB with CATERING (Class I)                             | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV)              | <input type="checkbox"/> QUALIFIED CATERING <input type="checkbox"/> OTHER: _____ |                                                          |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <i>LARRY AND LARRY, LLC.</i>		Business Name (D/B/A) _____	
APPLICANT(S) –(Sole Proprietor) _____		DOB: _____	
DOB: _____		Physical Location: <i>128-132 FRONT STREET</i>	
Address <i>128 FRONT STREET</i>		Mailing Address <i>- SAME AS ABOVE -</i>	
City/Town <i>BATH</i>	State <i>MAINE</i>	Zip Code <i>04530</i>	
City/Town <i>BATH</i>	State <i>MAINE</i>	Zip Code <i>04530</i>	
Telephone Number <i>207.389.4588</i>	Fax Number _____	Business Telephone Number <i>207.389.4588</i>	Fax Number _____
Federal I.D. # <i>02-3638712</i>	Seller Certificate #: or Sales Tax #: _____		
Email Address: Please Print <i>128FRONTSTREET@GMAIL.COM</i>	Website: _____		

If business is NEW or under new ownership, indicate starting date: *March 15, 2018*

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: \_\_\_\_\_
- State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
- Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐  
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
- Do you own or have any interest in any other Maine Liquor License? ☐ Yes ☒ No  
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)

License #	Name of Business
Physical Location	City / Town



5. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐
6. If manager is to be employed, give name: \_\_\_\_\_
7. Business records are located at: \_\_\_\_\_
8. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐
9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐
10. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
JOHN PETER LOMBA II	4/6/1968	BOSTON, MA.
DAN THOMAS LOVINSBURY	9/20/1968	PORTLAND, ME.
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
SEATTLE, WA. (2014-2018)		
PORTLAND, ME. (1997-2016)		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒
- Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_
- Offense: \_\_\_\_\_ Location: \_\_\_\_\_
- Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)
12. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_
13. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐
14. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: \_\_\_\_\_  
COLIN MARCHE, TEXAS, USA
15. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_
16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES ☐ NO ☐ Applied for: \_\_\_\_\_
17. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? \_\_\_\_\_
- Which of the above is nearest? \_\_\_\_\_
18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒
- If YES, give details: \_\_\_\_\_



**All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.**

**All fees must accompany application, make check payable to the Treasurer, State of Maine.**

**This application must be completed and signed by the Town or City and mailed to:**

**Bureau of Alcoholic Beverages and Lottery Operations**

**Division of Liquor Licensing and Enforcement**

**8 State House Station, Augusta, ME 04333-0008.**

**Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.**

**TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:**

**Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.**

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the  
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: \_\_\_\_\_, Maine

\_\_\_\_\_  
\_\_\_\_\_

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

**§653. Hearings; bureau review; appeal**

**1. Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213.

