

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

Wednesday, March 7, 2018 6:00 PM
City Council Chambers, Bath City Hall

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

Excused Absence: Councilor Wyman

Also in attendance were the 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.

Presentation by Austin Muir, Waypoint Coordinator for the Chewonki Foundation, regarding the Waypoint program.

Mr. Muir passed out a handout that covered their program's offerings such as training, goals, resources and collaboration with RSU #1.

C. Public Hearing: 6:10PM

1) 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} (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

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.

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

Police Chief Michael Field gave an overview of the Ordinance. He stated this change would improve the safety of traffic at this location.

Madame Chair Eosco opened the public hearing. Seeing no comments, she closed the public hearing.

ROLL CALL VOTE on Ordinance:

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

NAYS: None

Ordinance passed unanimously. 7-0

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

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

Councilor Park made a motion to waive the reading of the Ordinance. Councilor Bauer seconded the motion. All were in favor of the waiving motion.

Planning and Community Development Director Andrew Deci gave an overview of the Ordinance.

State Representative for Bath Jennifer DeChant of 1008 Middle Street reported that there hadn't been much movement at the State level on this issue at this time but if everything goes as planned the rules would be done and marijuana sales could be implemented by January 2019.

Madame Chair Eosco opened the public hearing. Seeing no comments, she closed the public hearing.

ROLL CALL VOTE on Ordinance:

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

NAYS: None

ABSTENTION: Nordmann

Ordinance passed unanimously. 6-0-1

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

D. Consent Agenda 6:19 PM

***3)** Minutes of the previous Council Meeting on February 14, 2018 and Items F4 and F5. (Motion to Accept)

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

E. Time Devoted to Residents to Address The City Council 6:20 PM

Daniel Dunn of 54 Richardson Street spoke regarding traffic issues on Richardson Street. Mr. Dunn stated that after talking with the MDOT Representative for the area and researching MDOT Regulations he found the City is allowed to make traffic limitations for the street and didn't understand why the City was not taking care of the issues.

Wayne Fortier of 52 Richardson Street spoke regarding concerns that the City wasn't doing what they could about the traffic issues on Richardson Street and needed to get MDOT representation to the meeting that was to be held on March 15th to get this matter cleared up and something done.

F. Ordinances, Resolutions and Orders 6:29 PM

***4) Order: Exercising the River Herring Fishing Rights at Winnegance Lake to be administered by the Winnegance River Herring Commission as per Harvest Plan.**

ORDER

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

This Order was passed on the Consent Agenda.

***5) Order: Exercising the River Herring Fishing Rights at Whiskeag Creek to "Rod and Line"**

ORDER

Be It Ordered by the City Council of the City of Bath, as follows:

that, the taking of alewives at Whiskeag Creek will be restricted to "Rod and Line" only.

This Order was passed on the Consent Agenda.

6) Ordinance: LUC Amendment to Article 9, Section 6.1.3 "Special Purpose School" (first passage)

Madame Chair Eosco explained the changes in Sec. 6.1.3 were from Not Allowed to Allowed with a Site Plan Approval:

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

Amend Article 9--Uses, Section 6.1.3, as follows:

LAND USE CATEGORY	ZONING DISTRICTS																		
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
5.0 Painting or Cleaning of Goods, Merchandise, or Equipment																			
5.1 All operations conducted entirely within fully enclosed building	N	N	N	N	N	N	N	S	S	N	N	S	N	N	N	N	N	N	N
5.2 Operations conducted within or outside fully enclosed building	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N
6.0 Educational, and Cultural Use																			
6.1 Schools																			
6.1.1 Public or private elementary or secondary schools	S	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S
6.1.2 Public or private post-secondary schools	S	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S
6.1.3 Special-purpose schools	N	N	N	N	N	S	S	S	S	S	N	S	N	N	S	N	N	N	S
6.1.4 Special education schools	N	S	N	N	N	S	S	N	N	N	N	N	N	S	N	N	N	N	S
6.2 Libraries and museums, including associated educational and instructional activities	S	N	N	N	N	S	S	N	N	S	N	S	N	S	S	N	N	N	S
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

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

City Planner Benjamin Averill stated this change would allow for Special Schools to be allowed in the Neighborhood Commercial Zone. He gave the details of the Ordinance concerning Special Purpose Zones.

ROLL CALL VOTE on Ordinance:

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

NAYS: None

Ordinance passed unanimously. 7-0

Madame Chair Eosco stated this Ordinance would go for second passage on April 4, 2018 at 6:01PM.

7) Resolution: Supporting LD1828.

Madame Chair Eosco read the following Resolution:

**RESOLUTION
SUPPORTING LD 1828**

WHEREAS, Sponsor Representative DeChant of Bath, and Cosponsor Senator Vitelli of Sagadahoc, have proposed LD 1828 “An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath;” and

WHEREAS, the purpose of the Legislation is to validate the results of the referendum conducted in the City of Bath on November 7, 2017 with regard to approval of a bond ordinance authorizing the issuance of up to \$2,800,000 of its general obligation bonds and notes to finance sidewalks and street and road construction, reconstruction and paving projects; and

WHEREAS, the rationale for requesting Legislative relief is as a result of a legal technicality concerning the bond approval procedures that prevents the bond from being marketed; and

WHEREAS, the City Council has reviewed the Legislation and the representations in the Legislation regarding the nature of the procedural defect and the necessity for the requested Legislative relief; and

WHEREAS, the approval of this Legislation will render the bond issue marketable.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that its approval of this Resolution indicates its full support for the adoption of LD 1828.

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

City Manager Peter Owen explained why this Resolution was needed.

Finance Director Juli Millett gave an overview of the timeline of the items as they occurred.

Bath State Representative Jennifer DeChant explained the Legislative process that this item requires.

VOTE on Resolution:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

8) Order: Accepting Grant/Loan Award for Infrastructure Improvements to the City's Wastewater Treatment System

Madame Chair Eosco read the following Order:

**ORDER
ACCEPTING GRANT/LOAN AWARD
FOR INFRASTRUCTURE IMPROVEMENTS
TO THE CITY'S WASTEWATER SYSTEM**

WHEREAS, the City of Bath has applied for a grant/loan from the United States Department of Agriculture, Rural Development, in order to rehabilitate the City's Wastewater Treatment Facility and to upgrade the aging sewer collection infrastructure and to correct some combined sewer overflow abatement issues; and

WHEREAS, the United States Department of Agriculture, Rural Development, have awarded the grant/loan and will be investing a total of \$8,800,000 in the project (a \$6,500,000 loan and a \$2,300,000 grant); and

WHEREAS, the City of Bath will be contributing \$1,000,000 toward the funding of the project.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the funding in the form of a loan and grant, provided by Rural Development, United States Department of Agriculture, in the total amount of \$8,800,000 be and hereby is accepted. The City Manager is authorized to execute any grant/loan documents, contracts, or any other documents necessary, appropriate, or convenient to the grant/loan and to the implementation of the project funded by the grant/loan, on behalf of the City of Bath.

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

City Manager Peter Owen explained what this grant consisted of.

Finance Director Juli Millett explained what the grant would be able to do towards wastewater improvements.

VOTE on Order:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

9) Order: Authorizing Sale of Fire Department Rescue Unit 5.

Madame Chair Eosco read the following Order:

**ORDER
AUTHORIZING SALE
RESCUE UNIT 5**

WHEREAS, the City of Bath has replaced “Rescue Unit 5” with a new rescue unit; and

WHEREAS, the City of Bath no longer has any use for the prior unit and it is considered surplus equipment; and

WHEREAS, municipal property of a value in excess of \$1,500.00 may be sold by the City of Bath upon Order authorizing the sale by City Council pursuant to Section 7.114-A of the Code of the City of Bath; and

WHEREAS, the procedure for sale of City property of a value in excess of \$1,500.00 is in accordance with the procedures under Section 7.105 of the Code regarding purchases in excess of \$4,000.00 or more; and

WHEREAS, absent extraordinary circumstances, the procedure requires a public bid process with appropriate publication of notice of sale.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the 2008 Ford E450 Ambulance, Type 3, VIN 1FDXE45P38DA42823, be offered for sale in accordance with the procedures under Section 7.105 of the City Code, and BE IT FURTHER ORDERED that the City Manager shall have the authority to sign such documentation as may be necessary, appropriate or convenient to the solicitation of bids for the sale of the property.

Councilor Bauer made a motion to put this Order on the floor for discussion. Councilor Bailey seconded the motion.

VOTE on Order:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

10) Amended Order: Approval of Wastewater Treatment Plant Contract with Apex Construction Inc.

Madame Chair Eosco read the following Amended Order:

**AMENDED ORDER
APPROVING BID AND CONTRACT**

WHEREAS, the City of Bath, at its City Council Meeting on February 14, 2018, approved an Order which accepted the bid of Apex Construction Inc. for the 2018 Bath Wastewater Treatment Plant Upgrade Project in the amount of \$4,724,000; and

WHEREAS, the City authorized a Contract to be executed with respect to the Plant Upgrade Project; and

WHEREAS, funding is now available to add contingencies and alternatives which were bid as part of the original bid package.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that contingency funding in the amount of \$268,300 and \$642,000 in bid alternatives, are hereby approved to be added to the original base bid of \$4,724,000, making a total contract of \$5,634,300. A Contract in that total amount is hereby authorized with Apex Construction, Inc., and the City 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 now funded by a Grant/Loan in the total amount of \$8,800,000 from the USDA Rural Development. The City's match of \$1,000,000 is funded from Wastewater (Fund 7) Account 07-0703-750.

Councilor Bauer made a motion to put this Order on the floor for discussion. Councilor Bailey seconded the motion.

Public Works Director Lee Leiner explained that due to the funding from the previous "Order: Accepting Grant/loan Award for Infrastructure Improvements to the City's Wastewater System" items can now be added back into the project. Therefore, a new amended contract needed to be approved.

VOTE on Order:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

11) Order: Adopting Revised Bicycle and Pedestrian Plan as prepared by the Bicycle and Pedestrian Committee.

Madame Chair Eosco read the following Order:

**ORDER
ADOPTING
REVISED BICYCLE AND PEDESTRIAN PLAN
FOR THE CITY OF BATH**

WHEREAS, the City of Bath has established a Bicycle and Pedestrian Committee to advocate for a safe and inviting environment within the City of Bath for bicycling and walking and to encourage

citizens to walk and bicycle as a reasonable alternate mode of transportation, to promote healthy lifestyles, and a more vibrant economy; and

WHEREAS, the Bicycle and Pedestrian Committee has been advocating for use of City streets and neighborhoods for bicycling and pedestrian activities as set forth in its Vision and Mission Statement; and

WHEREAS, the Bicycle and Pedestrian Committee originally promulgated a Bicycle and Pedestrian Plan in 2011; and

WHEREAS, in 2016 the Bicycle and Pedestrian Committee initiated a plan to update the original Plan; and

WHEREAS, the Plan has been completed, has been reviewed and considered at various public Forums, and represents the City's Plan for bicycle and pedestrian issues within the City of Bath; and

WHEREAS, it is appropriate that the City Council of the City of Bath consider and adopt the Plan as the official City Policy relating to the goals, objectives, and action items in the Plan.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the revised Bicycle and Pedestrian Plan, as now constituted, be and hereby is adopted as the City of Bath's official policy relating to bicycle and pedestrian issues and that the Committee be congratulated on a job well done.

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

Planning and Community Development Director Andrew Deci explained the history of the Plan development and those that were involved in its conception.

Bicycle and Pedestrian Committee Chairman Kevin Shute gave an overview of the updated plan.

A complete copy of this Plan is on file with the Agenda materials.

VOTE on Order:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

G. Petitions & Communications 7:20 PM

There were no petitions or communications taken up at this time.

H. City Manager's Report 7:20 PM

City Manager Peter Owen reported on the following items:

- City Hall will be closed on March 8th due to the storm.
- Addressed the Air B&B Issue

12) Update regarding City's Revaluation by City Assessor Brenda Cummings.

Ms. Cummings gave an update on the timeline for the revaluation and an overview of what the revaluation will consist of.

I. Committee Reports 7:34 PM

Councilor Bauer reported for the Solid Waste and Recycling Committee regarding the celebration of Earth Day on April 22nd with the handing out of reusable shopping “Bath Bags” throughout the City.

Councilor Park reported on Main Street Bath Committee fund raising event “Front Street Feud” to be held on March 16th at the Maine Maritime Museum.

Councilor Park reported next for the Facilities Committee stating they had accepted the McManh Field Master Plan and the Plan now moves into the budgetary process. He stated the Plan will be available to view on the City Web Site.

Councilor Park spoke for the Community Forestry Committee to remind the public that it is time to clip Brown Tail Moth nests from their trees. He stated that City Arborist Kyle Rosenberg will be holding a Pruning Workshop on March 17th from 8:30AM- 10AM at the Bath Recreation Department.

Councilor Bailey reported the Sagadahoc County Budget Advisory Group will be beginning their department budget review on March 16th.

Councilor Ambrosino reported for the Bath Parks & Recreation Commission on their progress for a public survey covering Recreation parks and activities and participation by users and what these users like about the programs and where improvements could be made.

Councilor Nordmann reported he attended an “Age Friendly” meeting held at the Patten Free Library where the Bath Housing Authority gave a presentation focusing on senior residents within a 15 mile radius of Bath that could be eligible to receive help on upgrading their homes to make them safer and more cost effective. He also reported on a volunteer transportation work group which is looking into available public transportation and mentioned what a wonderful resource the Bath CityBus is for those that don’t have another way to get to places.

J. Unfinished Business 7:44 PM

There was no unfinished business taken up at this time.

K. New Business 7:44 PM

Appointment of a member to the Bath Housing Authority Board of Directors finishing out term ending February 2021.

Councilor Comeau, on behalf of the Council Screening Committee, nominated Barbara Gaul for this position. All were in favor of the nomination.

L. Councilor Announcements 7:45 PM

Councilor Paulhus reported that a public meeting will be held on March 14th 5:30 PM at City Hall regarding the traffic issues Richardson Street and Western Avenue. He reported Bath Historical Society is having a talk/tour regarding the Bath Customs House on Saturday, March 10th beginning at 10:30 AM in the City Hall Auditorium then moving to the tour of the Customs House.

Councilor Bailey informed the group she had volunteered to be on a Sub-Steering Committee for the Age Friendly and Livable Communities Group which will be exploring how to make Bath a better and more livable community.

Madame Chair Eosco reported on the success of the Downtown Tomorrow Event held on March 3rd which was collaboration between the City and Main Street Bath.

The meeting adjourned at 7:52 PM with a motion by Councilor Bailey, seconded by Councilor Paulhus. 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. You can also view them on BVTv14Video On Demand.com for up to a year.