

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

Wednesday, May 2, 2018 6:00 PM
City Council Chambers, Bath City Hall

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

Absent: Councilor Park

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.

Proclamation and City Chair presentation to Officer Michael Lever of the Bath Police Department for his 43 ½ years of service for the citizens of Bath.

Madame Chair read the following Proclamation and presented the City Chair to Officer Lever:

PROCLAMATION

WHEREAS, the City of Bath wishes to recognize the 43½ years of service by Police Officer Michael R. Lever of the Bath Police Department, and,

WHEREAS, Michael is the son of Robert and Ann Lever, and attended schools in Lewiston graduating from Lewiston High School in 1971, the University of Maine – Augusta in 1973 with an Associate in Law Enforcement and the Maine Criminal Justice Academy 1974 and,

WHEREAS, he was appointed to the position of Patrol Officer in 1974, promoted to Corporal in 1976 and Acting Sergeant in 1998-1999 for the City of Bath and,

WHEREAS, Michael retired from the Bath Police Department on January 31, 2018, seeing numerous commendations and accomplishments, including:

- 1998 Officer of the Year for the Bath Police Department and the 1999 American Legion Award Smith-Tobey Post 21 of Bath 1999 for many years of excellent service.

- Letters of Commendation for his exemplary work in responding to and securing crime scenes, in investigations and successful conclusions of burglaries cases, some of the highlights being: comforting a lost 7 year old and reuniting him with his loved ones, giving calming support that brought a suicidal situation to a successful conclusion, solving the Stinson's Cannery Arson case, executing a proficient investigation of the burglary/vandalism case at Morse High School.

- Numerous letters of thanks and appreciation from the District Attorney for investigations of offenses – as an Efficient and Professional Officer, the Bath Fire Department for helping in emergency situations, for Drivers' Education Presentations to school students and from grateful victims of various crimes.

- Served as keeper of Jail Logs and Accident Approvals, Intoxilyzer Coordinator and taught Drivers' Education for years.

WHEREAS, Michael Lever's long and productive career of public service to the citizens of Bath was marked by his integrity and professionalism,

NOW, THEREFORE, be it proclaimed by the City Council of the City of Bath that the City recognizes the 43½ years of excellent public service by Police Officer Michael R. Lever to the Bath citizenry.

There was a standing ovation for Officer Lever.

Madame Chair Eosco read the following Proclamation:

**PROCLAMATION
ARBOR WEEK**

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 20st - 26th AS

ARBOR WEEK

in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Council unanimously approved the Proclamation.

C: Public Hearing: 6:08 PM

1) Ordinance: Chapter 8. Fire Prevention, Article 2. Life Safety and Fire Prevention Codes, Sec. 8-102 and Sec. 8-103. (first passage)

Madame Chair Eosco read the following Ordinance:

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

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 8. FIRE PREVENTION **Article 2. Life Safety and Fire Prevention Codes**

Delete current Sec. 8-102, Standards – Life safety code and outdoor wood boilers.

Replace with new Sec. 8-102, Standards – Life safety code, as follows:

Sec. 8-102. Standards – Life safety code.

- (a) This article incorporates by reference National Fire Protection Association (NFPA) #101, *Life Safety Code*, 2009 edition, as amended by the State of Maine to avoid conflict with the *Maine Uniform Building and Energy Code* and to make the provisions specific to Maine, as set forth in the Rules of the State Fire Marshal, Chapter 20, Fire Safety in Buildings and Structures.

Sec. 8-103. Fire Prevention Code.

Add at the end of Sec. 8-103, Fire Prevention Code, the following:

In addition, this article incorporates by reference National Fire Protection Association (NFPA) #1, *Uniform Fire Code*, 2006 edition, as amended by the State of Maine, as set forth in the Rules of the State Fire Marshal, Chapter 3, Fire Prevention Code.

Codes Officer Scott Davis stated the City was updating the Uniform Fire Code so that it is consistent with the one the State uses. Mr. Davis said the Life Safety Code which deals with exits and regress issues being adopted was a new code known as a companion code to the Fire Code.

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

Madame Chair Eosco opened the Public Hearing for comment. Since there was no comment, she closed the Public Hearing.

ROLL CALL VOTE:

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

NAYS: None

Ordinance passed unanimously. 7-0

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

2) New Liquor License for Concinnity LLC located at 102 Front Street. (approval)

Madame Chair Eosco read for the following:

NOTICE

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

the **LIQUOR LICENSE APPLICATION** FOR:

**Concinnity LLC
102 Front Street
Ginger Dermott, Contact Person**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, MAY 2, 2018 AT 6:02 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.

Madame Chair Eosco opened the Public Hearing.

Seeing no comments, Madame Chair Eosco closed the Public Hearing.

Ginger Dermott, Owner of Concinnity, gave an overview of the opening date, menu and operating times.

VOTE:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

D. Consent Agenda 6: PM

*3) Minutes of the previous Council meeting of April 4, 2018 and Item F4. (motion to Accept as Presented)

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

E. Time Devoted to Residents to Address the City Council 6:16 PM

No one spoke.

F. Orders, Ordinances and Resolutions: 6:16 PM

F4*) Order: Appointing City Arborist/Tree Warden (annual appointment)

ORDER

WHEREAS, the City, through the Forestry Division and Community Forestry Committee, has shown concern with the community forest as a valuable part of the City's infrastructure and,

WHEREAS, State law Title 30A § 3282 provides municipalities the power to appoint a City Arborist/Tree Warden annually and,

WHEREAS, said law gives the Arborist/Warden control of the care of the municipal trees and the power to enforce all laws relating to the preservation of those trees and,

WHEREAS, Bath City Council adopted a forestry ordinance May 7, 1993 and,

WHEREAS, Kyle Rosenberg has worked in the capacity of the City Arborist and has shown his abilities in the care and concern for the City's trees and,

WHEREAS, Kyle Rosenberg is qualified by virtue of his experience, licensure and position as City Arborist/Tree Warden,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Kyle Rosenberg is hereby appointed as the City Arborist/Tree Warden for one year from this date.

This Order was passed on the Consent Agenda.

5) Order: Approving Purchase of a 2017 freightliner vacuum system for Public Works Department for the total bid price of \$353,255.00. (motion to pass)

Madame Chair Eosco read the following Order:

**ORDER
APPROVING PURCHASE**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF H. P. FAIRFIELD, AS SUPPLIER FOR A 2017 FREIGHTLINER WITH A CAMEL 900 MAXXX/1145D VACUUM SYSTEM, FOR THE TOTAL BID PRICE OF \$353,255.00, 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 SEWER FUND CAPITAL EXPENDITURE BOND ACCOUNT 07-0703-753.

Councilor Wyman made a motion to put this Item on the floor for discussion. Councilor Paulhus seconded the motion.

Public Works Director Lee Leiner explained that this truck would be used to clean debris out of the catch basins so they would work much better and would be replacing a truck that was purchased back in 1990.

VOTE on Order:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

6) Resolution: Regarding Community Development Committee (motion to pass)

Madame Chair Eosco read the following Resolution:

RESOLUTION REGARDING COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the City Council of the City of Bath, by Resolution at its meeting on June 16, 1992, established a Committee known as the Bath Community Development Block Grant Committee; and

WHEREAS, over the years this has become known as the Community Development Committee; and

WHEREAS, the establishment of the Committee lacked specificity regarding categories of memberships and terms; and

WHEREAS, the City Council is interested in reestablishing the Committee with a working membership.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the Community Development Committee be repopulated through appointments made by the Bath City Council with membership to reflect the following categories:

- City Councilor
- City Councilor
- Banking representative
- Banking representative
- Real Estate representative
- Bath Housing Authority representative
- Non-profit organization representative
- Main Street Bath representative
- Assistant City Manager (Ex Officio)
- Director of Planning & Development (Ex Officio)

The terms shall be three (3) years running from July 1st through June 30th. The initial appointment shall be for staggered terms of one (1) year, two (2) years, and three (3) years, as determined by the Council in their initial appointments and all terms thereafter shall be three (3) year terms.

To the extent that the original Resolution establishing the Committee conflicts with any of the provisions of this Resolution, those original Resolution provisions shall be superseded.

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

City Manager Peter Owen stated this committee and the next item committee had met before but stopped and he would like to re-establish them to promote community growth and economic policies.

He read the following Mission Statement:

The Bath Community Development Committee's mission is to promote community growth and development through strategic neighborhood stabilization and partnering on supportive programming to benefit residents and property owners. The committee will serve as the review committee for state and federal grant applications and advise the City Council on applications, plans and policies to help meet community development goals. (draft)

VOTE on Resolution:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

7) Resolution: Regarding Economic Development Commission (motion to pass)

Madame Chair Eosco read the following Resolution:

**RESOLUTION REGARDING
ECONOMIC DEVELOPMENT COMMISSION**

WHEREAS, the City Council of the City of Bath, on May 7, 2003, adopted a Resolution establishing the Economic Development Commission; and

WHEREAS, the Resolution did not create terms for the members of the Commission; and

WHEREAS, the Commission needs to be repopulated and the Commission's functions reactivated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the membership of the Commission shall be appointed by the City Council and consist of the following:

Three City Councilors
Business representative
Development representative
BIW representative
Main Street Bath representative
Maine Maritime Museum representative
City Manager (Ex Officio)
Director of Planning & Development (Ex Officio)

Each member shall serve a three (3) year term commencing on July 1st and running through June 30th. Each appointment shall be for three (3) years. The initial appointments by City Council shall be designated specifically as one (1), two (2), and three (3) year terms and all appointments thereafter shall be for three (3) year terms.

To the extent that the original Resolution establishing the Commission conflicts with any of the provisions of this Resolution, those original Resolution provisions shall be superseded.

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

City Manager Peter Owen explained .

He read the following Mission Statement:

The Bath Economic Development Commission's mission is to promote an economic climate which increases job opportunities and overall economic well-being, while preserving Bath's unique sense of place. It will do this by ensuring that the City's well-preserved architecture, walkability and waterfront environment continue to make Bath a good place in which to live, work and recreate. The Economic

Development Committee develops plans, policies and provides recommendations to the City Council on matters which affect the economic climate of the community. (adopted by committee, Jan. 27, 2014)

VOTE on Resolution:

YEAS: 7

NAYS: 0

Passed unanimously. 7-0

G. Petitions & Communications 6:39 PM

There were no petitions or communications.

H. City Manager's Report 6:39 PM

City Manager Peter Owen stated that the southend traffic study application was signed by BIW and the State. He also stated that they've put out the RFP for the study and the results will be in by the end of the month. Mr. Owen will be looking to have the contract signed by June 1st, and then they will start to look at the traffic issues in the southend.

Mr. Owen acknowledged the movement to ban the plastic bags in Bath and said since the ban had it had gone really well. He wanted to acknowledge the Committee who put it all together: Councilor Parks, Councilor, Wyman, Councilor Bauer, Louis Ricciardone, Ruth Lawson-Stops and staff member, Andrew Deci. Mr. Owen gave a special thanks to Public Works Director Lee Leiner, Chair of the Solid Waste and Recycling Committee, who really pulled the Committee together, developing the agenda, scheduling speakers, drafting sample ordinances, coordinated with other towns, and for being the spokesperson for the public and Council. Mr. Owen said that Mr. Leiner had carried the banner and moved things forward. He stated that due to the Mr. Leiner and the Committee the process and implementation had gone very smoothly.

I. Committee Reports 6:43 PM

Councilor Bauer spoke of the Patten Free Library's Annual dinner and how the goal of raising over ten thousand dollars had been realized.

Councilor Comeau stated that the Bike and Pedestrian Committee did not meet due to an inadequate number of attendees; the Committee meeting has been rescheduled to May 16th. Councilor Comeau also shared the flyer regarding Bike to Work Week "Tour de Bath", information also available on social media. He mentioned that the Finance Committee Meeting is May 10th and that H.M Payson and the City Auditors will be there.

Councilor Paulhus gave an update to the Transportation Committee's decision to test out a few temporary traffic calming options for Richardson Street and Western Avenue, starting in early July. He offered an opportunity to receive feedback on the temporary modifications to be used before moving forward in requesting Department of Transportation for permanent approval and scheduling of traffic calming options.

Councilor Bailey also spoke of how glad she was with Transportation Committee's efforts on the South End Traffic Study, Councilor Bailey announced she had joined the Steering Committee for the South End Study and reported that the Committee's first task would be to review RFP's.

Councilor Paulhus added he was also a member of the South End Traffic Study Steering Committee and that he was excited to see it move forward.

Councilor Ambrosino informed the Council of the Recreation Committee efforts to finalize the City-Wide Survey, which includes not only Bath but also the surrounding towns that utilize the City facilities. The survey should be out to the public by summer and looks to improve current programs, as well as highlight some programs that may be needed.

Councilor Ambrosino, as well as, Madame Chair Eosco praised highly the April Vacation Summer Camp which included a trip the Science Center.

J. Unfinished Business 6:53 PM

There was no Unfinished Business taken up at this time.

K. New Business 6:53 PM

There was no New Business taken up at this time.

L. Councilor Announcements 6:53 PM

Councilor Comeau commended City Manager Peter Owen and the department heads for tackling the 2019 budget for 3 nights last week and stated the overall projected tax increase for municipal, schools and county is 2.48 %. City Manager Peter Owen pointed out that this increase is still premature and is waiting for the budgets to be finalized. Madam Chair Eosco stated the Bath Municipal budget increased by only .76%. Councilor Bauer expressed she had been very impressed with everyone responsible for turning out a remarkable budget. Councilor Bailey also was impressed with the department heads and staff for keeping the budget low.

Madam Chair Eosco also announced that the school budget meeting will be held on May 29, 2018 beginning at 6:00 p.m. at the Bath Middle School and resident registration begins at 5:15 p.m.

Councilor Paulhus gave a “shout out” to Mary White, City Clerk for putting together the wonderful memorial, being displayed in Council Chambers, for Leverett “Tink” Mitchell, former, Fire Chief and Councilor of Ward 7.

Madam Chair Eosco announced that on Saturday, there will be the “Mayfair” events and a City wide yard sale. She stated there will also be free trolley rides, jump roping, hula hooping, rain gutter regatta and the first day of the Bath Farmer’s Market.

Councilor Paulhus made a motion at 7:02 PM to go into Executive Session to discuss a Real Estate Matter per 1 MRSA §405(6)(C) – Court Street Right of Way. Councilor Bauer seconded the motion. All were in favor of the motion.

Councilor Bailey made a motion at 7:23 PM to come out of Executive Session. Councilor Wyman seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:24 PM with a motion by Councilor Bauer, seconded by Councilor Wyman. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

Please note: These minutes are not transcribed verbatim. A DVD recording of the meeting is available for review in the City Clerk's office during regular business hours by appointment.