

# **AGENDA**

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

### **Regular Meeting**

**Wednesday, February 6, 2019 @ 6:00 PM**

**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

C. Public Hearings:

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.)

**\*1) Minutes of the previous Council Meeting of Wednesday, January 2, 2019. (Motion to Accept as Presented) and Appointment Items K2, K3, K4, K5 & K6**

E. Time Devoted to Residents to Address The City Council

F. Ordinances, Resolutions and Orders

**2) ORDER FOR SALE OF PROPERTY BY SEALED BIDS – 505 HIGH STREET**

G. Petitions & Communications

**3) R. R. QUIET ZONE RESPONSE LETTER TO MR. SCOTT MASSEY FROM CITY MANAGER**

H. City Manager's Report

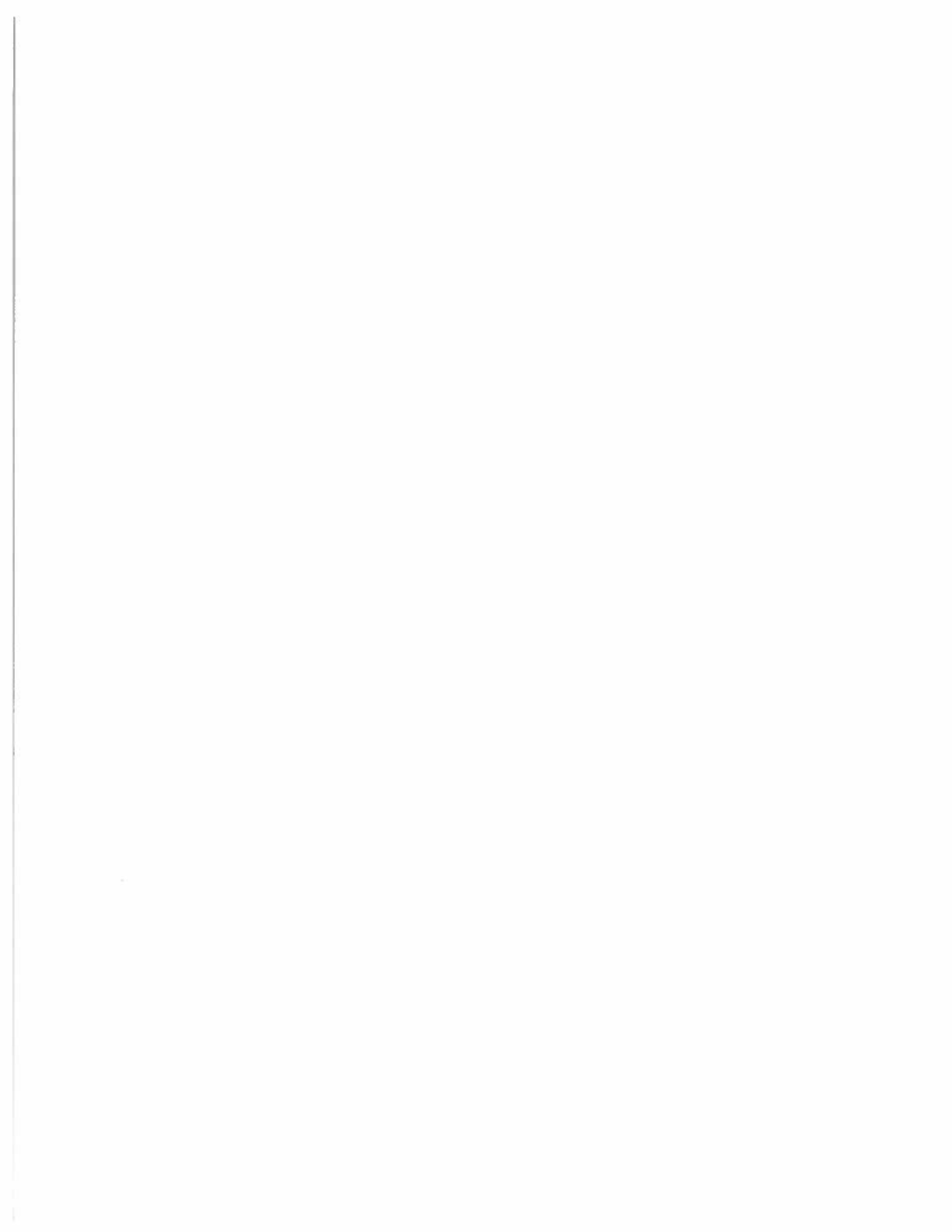
I. Committee Reports

J. Unfinished Business

K. New Business

L. Councilor Announcements

**ADJOURN**



D 1

**REGULAR MEETING MINUTES  
CITY COUNCIL OF THE CITY OF BATH, MAINE  
Wednesday, January 2, 2019, 6:00 PM  
Bath City Hall Council Chambers**

**Present:** Councilor Bailey, Councilor Paulhus, Councilor Nordmann was excused, Councilor Wyman, Councilor Comeau, Councilor Bauer, Councilor Park, Councilor Ambrosino and Madame Chair Eosco

Also, in attendance, were Peter Owen, City Manager, Roger Therriault, City Solicitor and Mary C. Howe, Deputy City Clerk

Madame Chair Eosco led the Pledge of Allegiance and Deputy City Clerk, Howe called the Roll.

**ROLL CALL:**

Councilor Bailey, Councilor Paulhus was absent for the roll call, Councilor Nordmann was excused, Councilor Wyman, Councilor Comeau, Councilor Bauer, Councilor Park and Councilor Ambrosino

**RECOGNITION TO OUTGOING CITY CLERK:**

*Madame Chair Eosco thanked, newly retired, Mary White for her many years of dedicated service. Mary has taken good care of the City and the Council, and has left her mark in a very big way. Madame Chair Eosco, also, wished Mary and her husband, Les, who retired on the same day, a quiet time to themselves. Mary's retirement is well deserved and the City will surely miss "Mother Mary".*

**APPOINTMENT:**

*Mary Howe, Deputy City Clerk was, unanimously, appointed Interim City Clerk by the Council and was sworn in by Roger Therriault, City Solicitor.*

**PRESENTATION:**

*Madame Chair Eosco presented Darreby Ambler with the "Citizen of the Year" award for her faithful service to the community. Darreby expressed much appreciation for this award.*

Madame Chair Eosco announced the Public Hearing portion of the meeting with two ordinances.

**C. Public Hearing: 6:01 PM**

- 1) Ordinance – Supplemental Appropriation for the 2008 Landfill Debt payment of \$194,000.00. (second passage)

Madame Chair Eosco read the following ordinance.

**ORDINANCE  
SUPPLEMENTAL APPROPRIATION**

**WHEREAS**, the City Council of the City of Bath desires to fund a debt payment for the 2008 Landfill Bond; and

**WHEREAS**, those funds were inadvertently left out of the current fiscal year Budget (2018/2019); and

**WHEREAS**, the payment is due in January; and

**WHEREAS**, surplus funds in the General Fund Undesignated Fund Balance Account, are available to fund the Bond payment and such funds constitute revenue in excess of those estimated in the Budget for the current fiscal year and are available for that purpose; and

**WHEREAS**, the sum to be appropriated by this Supplemental Appropriation totals One Hundred and Ninety-Four Thousand Dollars (\$194,000.00); and

**WHEREAS**, the City Manager has certified that there are available revenues for appropriation to at least the extent of One Hundred and Ninety-Four Thousand Dollars (\$194,000.00), pursuant to the requirements of Section 611 (A) of the Charter of the City of Bath; and

**WHEREAS**, this sum will not exceed the expenditure limits for the current fiscal year pursuant to Section 617 of the Charter of the City of Bath.

**NOW THEREFORE**, be it ordained by the City Council of the City of Bath that the total sum of One Hundred and Ninety-Four Thousand Dollars (\$194,000.00) be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account GF-2500) to the 2008 Landfill Bond Payment Account (Account 06-0667-707).

### **CERTIFICATION OF REVENUES IN EXCESS OF BUDGET ESTIMATES**

I, Peter H. Owen, pursuant to Section 611 (A) of the Charter of the City of Bath, hereby certify to the City Council of the City of Bath that there are available for appropriation revenues in excess of those estimated in the Budget, to the extent of at least One Hundred and Ninety-Four Thousand Dollars (\$194,000.00). The source of these funds is additional surpluses in the General Fund Undesignated Fund Balance Account which have been verified over and above those included in revenue in the 2018/2019 Fiscal Year Budget. The amount of surplus has been verified by the Auditor and is available for supplemental appropriation pursuant to the opinion of the City Solicitor and Bond Counsel.

Respectfully Submitted,

Peter H. Owen  
City Manager

Councilor Wyman motioned to waive the reading and to put the ordinance on the floor for discussion and Councilor Bauer seconded the motion. Madame Chair Eosco asked Juli Millett, Finance Director, to give a recap of the appropriation.

Juli Millett reminded everyone that the Supplemental Appropriation was, accidentally, left out of the budget and that this passage will add it back in. She stated that the funds will come from the general fund surplus so there will be no other changes to the budget. Madame Chair Eosco asked if the Council or the public had any questions and there were none.

### **ROLL CALL VOTE:**

**YEAS: Councilors, Bailey, Paulhus, Wyman, Comeau, Bauer, Park and Ambrosino**

**NAYS: None**

**Ordinance Passed Unanimously, 7-0**

This ordinance goes into effect immediately.

**Public Hearing: 6:02 PM**

2) *Ordinance – LUC Amendment, Article 16, by replacing Section 16.25 - 8 State Road District. (second passage)*

Madame Chair Eosco read the following ordinance.

## 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 16, by replacing Section 16.25 with the following:*

### **SECTION 16.25 - 8 STATE ROAD DISTRICT**

#### **A. District Designation**

The property designated for contract rezoning is the property located on State Road, being identified as Lot 65, on City of Bath Tax Map 31 dated April 1, 2016.

#### **B. Findings**

The property is located in the Route 1 Commercial Contract Zone (C-4) Zoning District. The City Council makes the following additional findings:

1. Contract Rezoning is allowed in the Route 1 Commercial Contract Zone.
2. The project consists of one structure along the 1.1 acre parcel. The proposed structure is 9,242 square feet and will consist of a 1,767 square foot Laundromat, a 4,130 square foot exercise center, and a 3,345 square foot brewery and tasting room.
3. Without the creation of a contract zone, the minimum yard area is 20 feet from the side, front, and rear of the parcel. The parking lot is proposed to be constructed in the yard area, necessitating contract zoning.
4. Contract rezoning is allowed on the parcel per section 8.10 (B) of the Land Use Code.
5. The project is consistent with the mandatory conditions set forth in Land Use Code Section 8.20 paragraph D, 1.
6. The applicant is proposing the following voluntary, Discretionary Conditions in exchange for Contract Rezoning. For the Contract Rezoning the applicant will:
  - Work to meet the City's goal of increased pedestrian access to services by installing a sidewalk along the property to connect with future expected development.
  - In addition to applicable zoning requirements the applicant will incorporate additional lighting along the front of the property to enhance the site.
  - Install a catch basin and related improvements to assist in storm water management both on and offsite.
  - Improve the appearance of the State Road gateway with enhanced lighting and landscaping.

#### **C. Zoning Provision Affected**

This contract zoning amendment is intended to relax the minimum setback and yard area requirements pursuant to Section 8.10 of the Land Use Code, by allowing the construction of the structures and other site improvements depicted on the Site Plan approved, with conditions, by the Bath Planning Board on July 10, 2018 and amended, without conditions, by the Bath Planning Board on November 6, 2018.

#### **D. Conditions of Approval**

This Contract Rezoning Ordinance requires full and complete compliance with all conditions of approval, which are part of the Site Plan approval, granted to Mark Sewall, by the Bath Planning Board on July 10, 2018 and amended on November 6, 2018.

## **SECTION 16.25 - 8 STATE ROAD DISTRICT**

### **E. District Designation**

The property designated for contract rezoning is the property located on State Road, being identified as Lot 65, on City of Bath Tax Map 31 dated April 1, 2016.

### **F. Findings**

The property is located in the Route 1 Commercial Contract Zone (C-4) Zoning District. The City Council makes the following additional findings:

7. Contract Rezoning is allowed in the Route 1 Commercial Contract Zone.
8. The project consists of one structure along the 1.1 acre parcel. The proposed structure is 9,242 square feet and will consist of a 1,767 square foot Laundromat, a 4,130 square foot exercise center, and a 3,345 square foot brewery and tasting room.
9. Without the creation of a contract zone, the minimum yard area is 20 feet from the side, front, and rear of the parcel. The parking lot is proposed to be constructed in the yard area, necessitating contract zoning.
10. Contract rezoning is allowed on the parcel per section 8.10 (B) of the Land Use Code.
11. The project is consistent with the mandatory conditions set forth in Land Use Code Section 8.20 paragraph D, 1.
12. The applicant is proposing the following voluntary, Discretionary Conditions in exchange for Contract Rezoning. For the Contract Rezoning the applicant will:
  - Work to meet the City's goal of increased pedestrian access to services by installing a sidewalk along the property to connect with future expected development.
  - In addition to applicable zoning requirements the applicant will incorporate additional lighting along the front of the property to enhance the site.
  - Install a catch basin and related improvements to assist in storm water management both on and offsite.
  - Improve the appearance of the State Road gateway with enhanced lighting and landscaping.

### **G. Zoning Provision Affected**

This contract zoning amendment is intended to relax the minimum setback and yard area requirements pursuant to Section 8.10 of the Land Use Code, by allowing the construction of the structures and other site improvements depicted on the Site Plan approved, with conditions, by the Bath Planning Board on July 10, 2018 and amended, without conditions, by the Bath Planning Board on November 6, 2018.

### **H. Conditions of Approval**

This Contract Rezoning Ordinance requires full and complete compliance with all conditions of approval, which are part of the Site Plan approval, granted to Mark Sewall, by the Bath Planning Board on July 10, 2018 and amended on November 6, 2018.

Councilor Park made a motion to waive the reading, seconded by Councilor Comeau. All were in favor to waive the reading.

Madame Chair Eosco asked if there was a motion to put the ordinance on the floor for discussion. Councilor Bauer made a motion and it was seconded by Councilor Bailey. Madame Chair Eosco asked Mr. Averill to remind everyone what the Land Use Code Amendment pertained to.

Ben Averill, Director of Planning and Development, stated that the LUC Amendment was for contract rezoning at 8 State Road. This was, previously seen by the Council in 2018 and is a second passage. The reason for the amendment is a small change to the site plan. The applicant did go through the process with the Planning Board to amend the site plan and they determined they needed to construct one building instead of two; so they added about 200 square feet to combine

the two buildings, originally approved into one. Mr. Averill was happy to answer any questions and Madame Chair Eosco asked if there were any preliminary questions.

Mark Sewall, of Pine Tree Engineering, displayed the site plans and stated that there would be an improvement to State Road. The pile that is there now looks deceiving because they had to pre-load the site. The grade will be about two feet above State Road level and will help with flooding. The site plan reveals a new 9,200 square foot structure that would include a 3,400 square foot brewery/tasting room, 1,800 square foot self-service laundromat, 4,100 square foot gym, sidewalk, additional lighting and a catch basin for storm water. Depending on the weather, the project tentatively could begin in March. The completion of the project is expected, sometime, in July but will depend upon when construction begins.

Madame Chair Eosco asked if anyone, from the public, had any questions about the change in the land use code.

**ROLL CALL VOTE:**

**YEAS: Councilors, Ambrosino, Park, Bauer, Comeau, Wyman, Paulhus and Bailey**

**NAYS: 0**

**Ordinance Passed Unanimously, 7-0**

Madame Chair Eosco stated that this amendment will become law in 21 days.

**D. Consent Agenda: 6:15 PM**

\*3) Minutes of the previous Council Organizational/Regular Meetings of December 5, 2018 and Items K6, K7, K8. (Motion to Accept as Presented)

Councilor Bauer made a motion, seconded by Councilor Paulhus, to accept the minutes, with corrections, for the December 5, 2018 organizational and regular meeting minutes. Also, accepted, were items K6, K7 and K8. All were in favor to accept the minutes with the amendments.

**E. Time Devoted to Residents to Address the City Council**

Bill Marsh, of 15 Meadow Way, spoke out against the paper bag fee which is part of the plastic bag ban. He would like to see this fee removed from the Refuse Ordinance.

**F. Ordinances, Resolutions and Orders**

4) Order – Appointing Registrar of Voters with term ending December 2020

Madame Chair Eosco read the following order:

**ORDER**

**APPOINTING REGISTRAR OF VOTERS**

WHEREAS, Title 21-A Section 101 requires the Municipal Officers shall appoint a qualified Registrar of Voters by January 1 of each odd numbered year.

NOW, THEREFORE, be it ordered by the City Council of the City of Bath that Mary Howe be and hereby is appointed Registrar of Voters for the City of Bath with a term to expire December 31, 2020.

Madame Chair Eosco made a motion to put this order on the floor for a vote. Councilor Bauer made the first motion and it was seconded by Councilor Bailey.

**VOTE ON ORDER: 6:25 PM**

**YEAS: 7**

**NAYS: 0**

**Order Passed Unanimously, 7-0**

**5) Approval of Federal Communications Letter**

Madame Chair Eosco read a letter, to the Council, addressed to the Federal Communications Commission.

Madame Chair Eosco motioned to put the letter on the floor for discussion. Councilor Paulhus motioned and it was seconded by Councilor Park.

Marc Meyers, Assistant City Manager, stated that the FCC has released a rule making proposal that could eliminate the franchise fees that the City receives. Right now, per our cable franchise agreement, the City receives 5% fee of its gross annual revenues from subscribers in the City. Those proceeds are used to support the operating budget of BCTV. In discussion with the City Manager and City Solicitor, they thought it best that the City Council take a stance in this matter. Currently, it is in the rule making process. They have closed the initial part of the FCC public comment period for the rule making proposal but it is a topic, definitely, still in discussion. We do not know when this will take effect. Mr. Meyers stated that the Council will be voting tonight to approve this letter to be sent to the FCC to express the concerns about the proposal.

**VOTE ON LETTER:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously, 7-0**

**G.Petitions & Communications 6:34 PM**

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

**H.City Manager's Report 6:34 PM**

Peter Owen, City Manager, reported on some upcoming highlights of 2019. He's looking forward to implementing some things this year. We should see the results of the south end transportation study which was started a while ago. We are, also, making progress on the river walk which is a project that got stalled but he is hoping to get some results this summer. In addition, he mentioned the sidewalk for Commercial Street that should be coming this summer. We are looking into modifying the intersection of Elm Street and Front. We are looking to see improvements to that and will be hiring a consultant. We are, also, doing a comprehensive action plan upgrade so you'll be hearing more about it this summer. The City has, also, started a monthly newsletter. We had our first issue out in December. We are, also, looking at reviewing the parking in the downtown area.

**I.Committee Reports 6:37 PM**

Councilor Bailey reported that there will be a public meeting for the south end transportation study on January 31<sup>st</sup>. The appointment screening committee has been really active and we are about to start another wave of reviews. She, also, stated how thankful she was with all of the people willing to volunteer.

Councilor Park reported that there will be a "Welcome to Bath" on Monday, January 28<sup>th</sup> at the Maritime Museum. Please refer to Visitbath.com, Main Street's Facebook page or the City of Bath's newsletter for more information.

Councilor Ambrosino reported that there will be a financial committee meeting coming up on Thursday, January 24<sup>th</sup>.



Madame Chair Eosco recapped about the Council's committees. She stated that it takes a while to get familiar and become effective on a committee. One of the things talked about, at the workshop, was making sure the committees had obtainable goals that can, hopefully, be achieved in 2019. Madame Chair Eosco recommended that Councilors put goals on their agendas for their upcoming meetings.

#### **J.Unfinished Business 6:41 PM**

#### **K.New Business 6:41 PM**

- \*6) Annual Appointment of Scott Davis as Codes Enforcement Officer, Health Officer and Plumbing Inspector for one year, pursuant to State Statutes. (motion to appoint)
- \*7) Annual Appointment of Tom Lister as Alternate Codes Enforcement Officer and Local Plumbing Inspector for the City of Bath for one year, pursuant to State Statutes. (motion to appoint)
- \*8) Annual Appointments to Committees by Council Nominees:
  - Bath Housing Authority Board of Directors – Terry Nordmann
  - Midcoast Council of Governments – Mari Eosco, Bernard Wyman, David Comeau
  - Patten Free Library Board of Directors – Susan Bauer
  - Recreation Commission – Julie Ambrosino
  - Sidewalk Vending License Committee – Aaron Park
  - Student Community Liaison Council – Mari Eosco
  - Welfare Review Board – Phyllis Bailey, David Comeau, Terry Nordmann

#### **L.Councilor Announcements 6:41 PM**

Councilor Paulhus brought up the 2020 Bi-Centennial. He's hoping that he will have more information, in the near future, of what the committee will look like. Councilor Paulhus mentioned that he saw the Secretary of State and made a comment to him about the Bi-Centennial website and that he offered some suggestions about updating it. The goal is to celebrate the entire time period and to understand what 200 years looks like for the State and the City of Bath. He, also, reminded Councilors that this was an historic day for Maine as the first woman Governor, Janet Mills, would be inaugurated this evening.

Councilor Comeau commented that the Paul Revere bell ringing was well attended. It was an excellent affair and he was surprised by all of the people who attended.

Councilor Bailey wanted to acknowledge the great job Lindsey Goudreau, Marketing and Communication Specialist has done with the newsletter. She encourages people to send in their emails, so that they can receive the monthly newsletter. She wanted to thank Main Street Bath, Chocolate Church and all the other organizations who worked throughout the holiday season

Councilor Chair Eosco made a motion to go into executive session to discuss real estate and personnel matters.

Councilor Paulhus motioned, seconded by Councilor Park. **The meeting adjourned at 6:58 PM.**

All were in favor to go into executive session.

#### **EXECUTIVE SESSION:**

Real Estate Matter per 1 MRSA §405(6)(C), High Street and to  
Discuss Personnel Matter per 1 MRSA §405(6)(A)

A motion was made by Councilor Bauer and seconded by Councilor Ambrosino to conclude the executive session.

**Motion to adjourn was at 7:34 p.m. by Councilor Bailey, seconded by Councilor Comeau.**

Attest:

*Mary C. Howe*

Mary C. Howe, Interim 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 [Townhallstreams.com](http://Townhallstreams.com) for up to a year.*

**ORDER FOR SALE OF PROPERTY BY SEALED BIDS**

**WHEREAS**, the City of Bath has acquired, by Lien, property designated as 505 High Street, in Bath, and further designated as Lot 10, on City of Bath Tax Map 31; and

**WHEREAS**, the initial Tax Lien for 2015 taxes matured on March 23, 2018; a second Lien for 2016 taxes will mature on March 22, 2019; and

**WHEREAS**, there is due, as of January 30, 2019, a total of \$9,657.24 in real estate taxes; and

**WHEREAS**, there is also a balance due on a City of Bath Housing Improvement Loan Note and Mortgage issued on April 14, 2009, in the original amount of \$12,000.00. There have been only nominal payments and the entire principal, plus accumulated interest, continues to be due; and

**WHEREAS**, the property has been abandoned; and

**WHEREAS**, there are minor issues with respect to the condition of the property that need to be addressed by the owner under the Abandoned Building Ordinance (the building is otherwise structurally sound).

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of Bath that, after appraisal, the property be offered by sale by sealed bid. It is further **ORDERED** that certain terms and conditions designed to make the City whole financially and to provide for building repairs and renovations to bring the property up to Code and a time frame for same, be attached as conditions of sale, together with a reservation of rights with regard to dealing with potential bids including the right to negotiate with bidders, and to reject any all bids.



F2



# CITY of BATH, MAINE

Office of the City Manager

Peter H. Owen, P. E.

55 Front Street

Bath, Maine 04530

## Memorandum

**To:** Chair Eosco, Vice Chair Paulhus and Members of the City Council

**CC:** Peter Owen, City Manager

**Date:** Feb. 1, 2019

**From:** Marc Meyers, Assistant City Manager

**RE:** 505 High Street

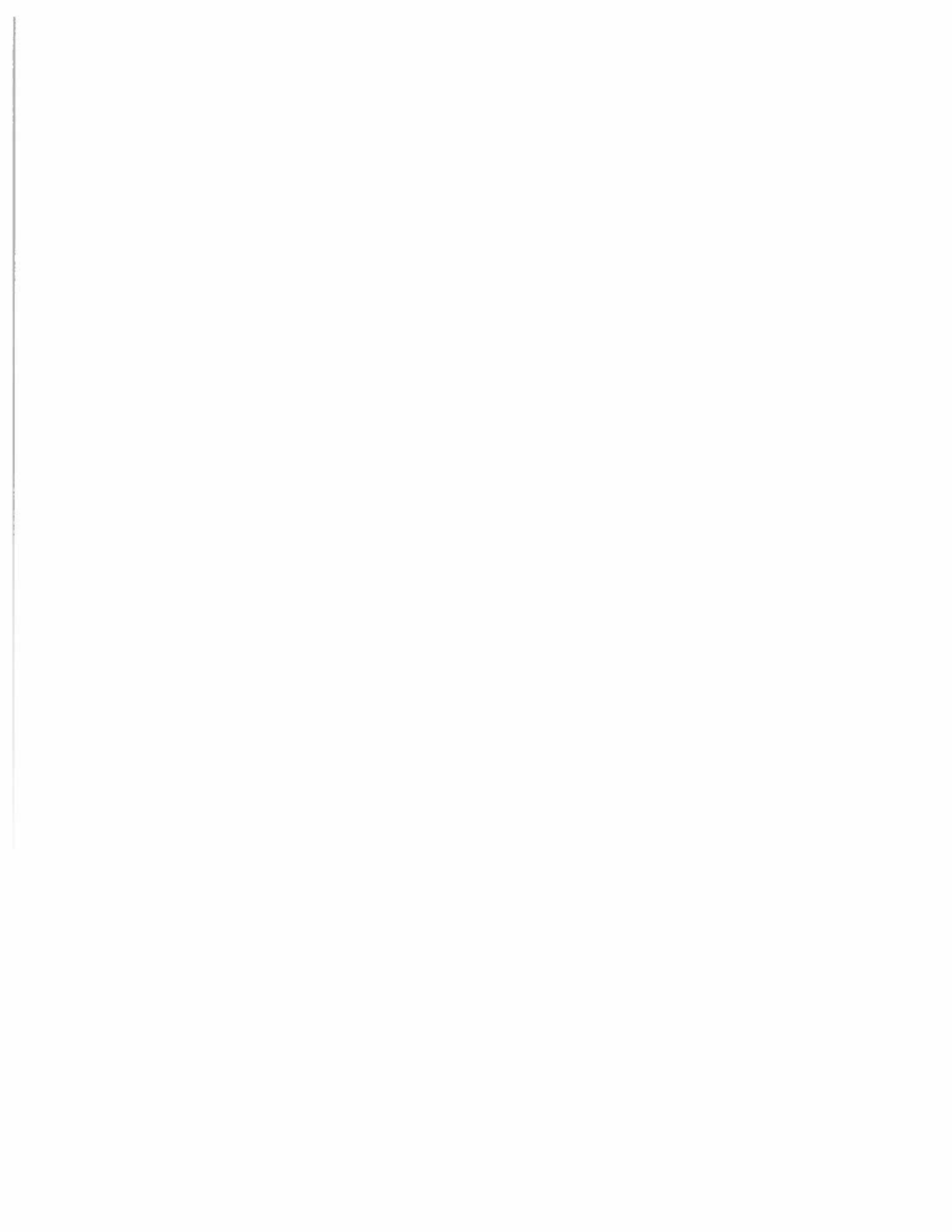
The City Manager's Office is recommending the sale of 505 High Street (Map 31, Lot 10). This single-family home is tax acquired property due to unpaid property taxes, totaling \$9,657.24. Additionally, there is also a balance due on a City of Bath Housing Improvement Loan Note and Mortgage in the original amount of \$12,000.00.

Earlier this year, the City's Codes Enforcement Officer informed the City Manager's Office that two City properties, 505 High Street and 22 Willow Street, were in violation of the City's Vacant Building Ordinance and that several items would need to be addressed in order to bring the properties into compliance. 22 Willow Street is slated for demolition. Staff determined that 505 High Street should be sold.

Per the City's Procedure for Disposition of Interests in City Owned Real Property, the City Manager's Office has reviewed the property with Department Heads and determined that the City does not have any interested in retaining the property for any present or future City purpose.

The assessed value of the property is \$98,600.

The City Council will be voting to approve an Order for Sale of Property by Sealed Bids for 505 High Street.



F2

## Bath, ME : Assessor Database

Property Search Search Sales Taxmaps Property Detail

**Property Detail:**

Map Lot Sublot: Card: Street Name: Street Number: Zoning: State Class: Acres:  
 31-010-000 1 HIGH ST 505 R1 Single Family Residence 0.05

**Owner Information:**

Owner Name: PINKHAM, ANDREW T & FRASER, DAVID SR  
 Owner 2 Name:  
 Street 1: 5 SKYLINE DR  
 Street 2:  
 City: CHELSEA  
 State: ME  
 Zip: 04330

**Property Images:**

Picture:



**Dwelling Information:**

Style: OLD STYLE  
 Story Height: 1.5  
 Attic: NONE  
 Basement: CRAWL  
 Year Built: 1900  
 Living Area: 1223  
 Living Units: 1  
 Rooms: 5  
 Bedrooms: 3  
 Full Baths: 2  
 Half Baths: 0  
 Grade: C  
 Condition: GOOD CONDITION

**Sketch:**



Dimensions  
 A: 100' 00" up  
 B: 10' 00" up  
 C: 100' 00" up  
 D: 10' 00" up  
 E: 10' 00" up

**Valuation:**

Appraised Land: \$16,300.00  
 Assessed Bldg: \$82,300.00  
 Assessed Total: \$98,600.00  
 Exempt Total: \$0.00  
 Net Assessment: \$98,600.00  
 Estimated Tax: \$2,080.46

**Sales History:**

Book:	Page:	Sale Date:	Price:	Validity:	Sale Type:
0001506	093	1997-07-01		L	L
0001919	259	2001-10-10	75,000	0	L
0001506	095	1997-07-01		L	L
0001547	085	1998-01-01	45,000	0	L
0001255	115	1993-12-01	69,000	0	L
0002306	094	2003-10-31	95,000	0	L

City of Bath, Assessor's Office General Information: <http://www.cityofbath.com/Assessor/>  
 Access the City of Bath on-line Assessor's Database optimized for smartphones at: <http://m.assessdb.cityofbath.com>

The information delivered through this on-line database is provided in the spirit of open access to government information and is intended as an enhanced service and convenience for citizens of Bath, ME. The providers of this database: Tyler CLT, Big Room Studios, and Bath, ME assume no liability for any error or omission in the information provided here.

Comments regarding this service should be directed to: [bcummings@cityofbath.com](mailto:bcummings@cityofbath.com)

Thu. January 31, 2019 : 12:42 PM : 0.05s : 9mb





Q3



# CITY of BATH, MAINE

Office of the City Manager

Peter H. Owen, P. E.

55 Front Street

Bath, Maine 04530

January 30, 2019

Scott Massey  
5 Kennebec Circle  
Bath, Maine 04530

Dear Mr. Massey,

We have received your requests for a "Quiet Zone" on the railroad tracks near your home to eliminate the sound of the whistle from the trains passing by. We recognize that you originally made this request in Spring of 2018, and are sending this request again in January 2019. Specifically, the train whistle blows in your vicinity for one private driveway crossing and two train trestles – one over Old Brunswick Rd., and one over Whiskeag Creek near Oak Grove Cemetery.

Erika Helgerson, Executive Assistant and HR Director in the Manager's Office, did extensive research on the Federal Railroad Administration (FRA) Quiet Zone rules and process, including reaching out to the FRA Office, Maine DOT, Central Maine & Quebec Railroad, and the Town of Brunswick. She spoke to you in May of 2018 explaining much of this information and the perspective of the City Manager.

The result of this research is that there are very specific safety rules that the FRA enforces for train crossings such as the private drive. Trains are required to blow 2 long and 1 short whistle at open crossings. Communities may request a "quiet zone" at crossings, but in order for the train whistle to cease, there must be sufficient safety measures in place to ensure that vehicles and pedestrians are aware of the oncoming train. This usually includes bells that sound, lights that flash, and gates that lower when the train is approaching.

To know what safety measures would be required for this particular crossing, there must be an engineering study completed to the specifications of the FRA. The engineering study could cost as much as \$20,000, and the safety measures could cost upwards of \$100,000 depending on the recommendations of the study. Studies and installation of safety measures such as these are most often done at public crossings, where the municipality has some jurisdiction over the adjacent road. Your current complaint involves your neighbor's private driveway, which somewhat complicates matters as you are asking the City to spend public dollars on a private roadway that only affects that single home. Though we recognize that the train horn is heard by a larger population, the City is prohibited from spending public funds on private property. Moreover,

this request is not being made by the property owner, but by you, as a neighbor, with no decision-making capacity for that land.

Please keep in mind that if the study required bells at the driveway there would still be added noise; the FRA's quiet zone guide specifically states that "Quiet zone regulations do not eliminate the use of locomotive bells at crossings. Therefore, a more appropriate description of a designated quiet zone would be a 'reduced train horn area.'"

Several times in your comments you brought up Brunswick's quiet zones. Brunswick was able to institute a quiet zone when the Downeaster began more frequent trips. It may be worth noting that finalization of those zones took approximately 9 years to complete, and that Brunswick was only able to address the public crossings of the Downeaster train between the train platform and Freeport, and not the additional crossings east of the train station.

In addition to your neighbor's driveway, the trains cross two trestles. Sounding the train whistle at trestles is somewhat at the judgement of the train conductor, based on their perception of public safety such as foot traffic on the tracks. The horn is required if they see pedestrians. In the case of these trestles, there are frequent pedestrians and people nearby, so there are times when the operators blow the horn as warning for those individuals. The contact we spoke to at Central Maine & Quebec Railroad contacted the two train operators and requested that they reduce the frequency and length of this whistle if they feel public safety allows for that. The FRA quiet zone guide states that public authorities must also take measures to prevent pedestrians on the train tracks, because "...investments made to establish a quiet zone may be negated if the horn has to be routinely sounded to warn trespassers." An engineering study would likely help determine what measures these might be; and installation of signage or physical barriers would of course be an added cost.

In closing, I reiterate the City's position on this matter is that the financial investment required to meet the regulations of the Federal Railroad Administration is beyond what the City can authorize, and even a substantial investment may not eliminate your concern.

Sincerely,

Peter H. Owen, P. E.  
Bath City Manager



# CITY of BATH, MAINE

C3

Office of the City Manager

Peter H. Owen, P. E.

55 Front Street

Bath, Maine 04530

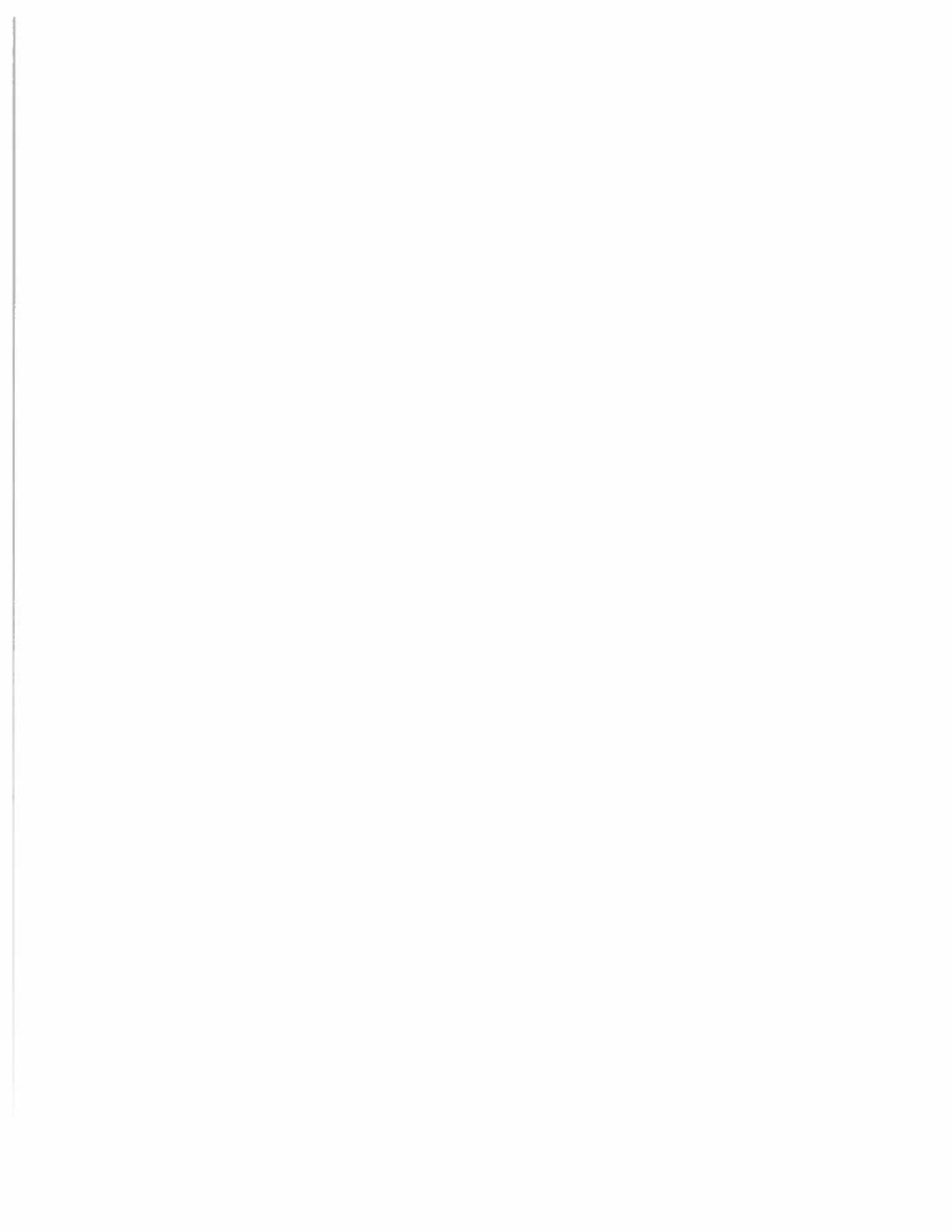
## Memorandum

**To:** Chair Eosco, Vice Chair Paulhus and Members of the City Council  
**CC:** Peter Owen, City Manager  
**Date:** Feb. 1, 2019  
**From:** Erika Helgerson, Executive Assistant and Director of HR  
**RE:** Scott Mas

---

Scott Massey of 5 Kennebec Circle is interested in having the City request a Federal Railroad Administration "Quiet Zone" for the railroad tracks near his home. He feels that the train horn is disruptive. He first contacted the Manager's Office in spring of 2018, when I did extensive research on the topic and spoke with him about our findings and the City's position that we would not proceed with this request.

In January, 2019, Mr. Massey sent Councilors another request including a "petition" signed by a number of neighbors. I have since sent Mr. Massey a letter outlining in detail the relevant information about FRA Quiet Zones and reasoning of the City to not proceed with seeking a Quiet Zone in that area. We have included this letter in your council packets.



K 2

12-14-18 P03:42 RC/D

### City of Bath

#### Application for ApMyra pointment to City Board/Commission/Committee

Full Name: Myra Keeble

Street Address: 852 High Street

Home Tel #: 720-771-8484 e-mail address myrakeeble@gmail.com

I live in Council Ward # 3

I wish to be considered for appointment to the:  
**Community Forestry Committee**

\_\_\_\_\_  
(Name of Board/Commission/Committee)

Check one or both:

Full Membership Status  \_\_\_\_\_  
and/or

Term Begins: at appointment

Associate Membership Status  \_\_\_\_\_

Term Expires: 10/2022

Occupation: Grants Manager

Employed by: Maine Audubon Work Tel #: 781-2330 ext. 207

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

Bath is well regarded, statewide, for its urban forestry initiatives. It would be an honor to serve on this committee to help promote urban forest preservation and restoration practices while addressing threats such as Brown Tail and Winter Moth, Emerald Ash Borer, and invasive plant species in our community. I would be particularly interested in helping on community outreach-related initiatives.

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

I work for Maine Audubon and am charged with promoting and funding numerous programs with similar goals to those of the Forestry Committee. Two of these programs, "Forestry for Maine Birds" and our "Bringing Nature Home" native plant restoration programs compliment some of the work that the Forestry Committee is charged with. I'm also experienced with developing policies that are similar to issues the Committee grapples with (e.g., serving on City Council and developing an Emerald Ash Borer plan of action, which included appropriate strategies based on proximity of its prevalence to our community).

Have you ever served on a City Board/Commission/Committee? Yes, but not in Bath.

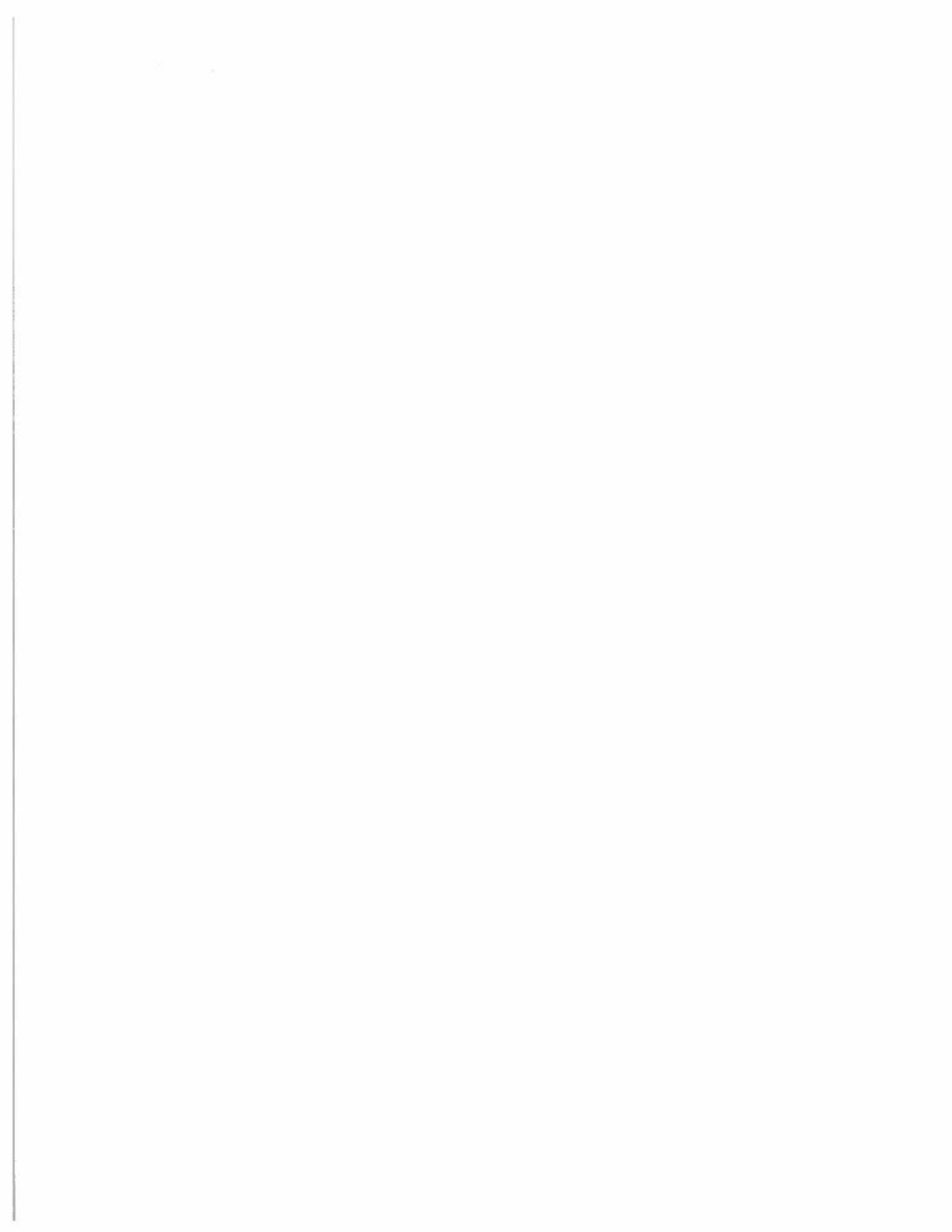
If so, please list the Board/Commission/Committee and years of service:

When I lived in Colorado, I served on the Edgewater City Councilwoman for six years. Prior to that, I served on the Edgewater Historic Landmark Preservation, and Arts Commission.

12/14/2018  
Date

Myra Anne Keeble  
Signature

Please return form to: City Clerk's Office, 55 Front Street, Bath, ME 04530



K3

City of Bath

12-10-18A10:32 RCVD

Application for Appointment to City Board/Commission/Committee

Full Name: James Michael Princiotta

Street Address: 77 Washington St.

Home Tel #: 207-449-7447 e-mail address Michael.Princiotta77@gmail.com  
I live in Council Ward # 1

I wish to be considered for appointment to the:

Bath Housing Authority  
(Name of Board/Commission/Committee)

Check one or both:  
Full Membership Status   
and/or  
Associate Membership Status

Term Begins: 2019  
Term Expires: 2024

Occupation: Realtor

Employed by: Keller Williams Realty Work Tel #: 207-449-7447

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

After joining the local Rotary group and talking with some members, I wanted to help City of Bath and this seemed like a  
potential good fit!

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

I have worked in Real Estate for over 6 years and feel my market knowledge and background in the business would be a great addition.

Have you ever served on a City Board/Commission/Committee? No  
If so, please list the Board/Commission/Committee and years of service:

N/A

12/10/18  
Date

[Signature]  
Signature





K4

11-019P01:34 RCVU

**City of Bath**

**Application for Appointment to City Board/Commission/Committee**

Full Name: Pia Bundgaard Neilson

Street Address: 69 Mill Island Road, Arrowsic Me. 04530

Home Tel #: 442-8163 e-mail address piabneilson@gmail.com

I live in Council Ward # Arrowsic

I wish to be considered for appointment to the:

Bath Housing Authority Board of Commissioners  
(Name of Board/Commission/Committee)

Check one or both:

Full Membership Status

Term Begins: Feb. 2019

and/or

Associate Membership Status

Term Expires: Feb. 2024

Occupation: Former real estate investor and business owner.

Employed by: Self

Work Tel #: N/A

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

Please see attached sheet.

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

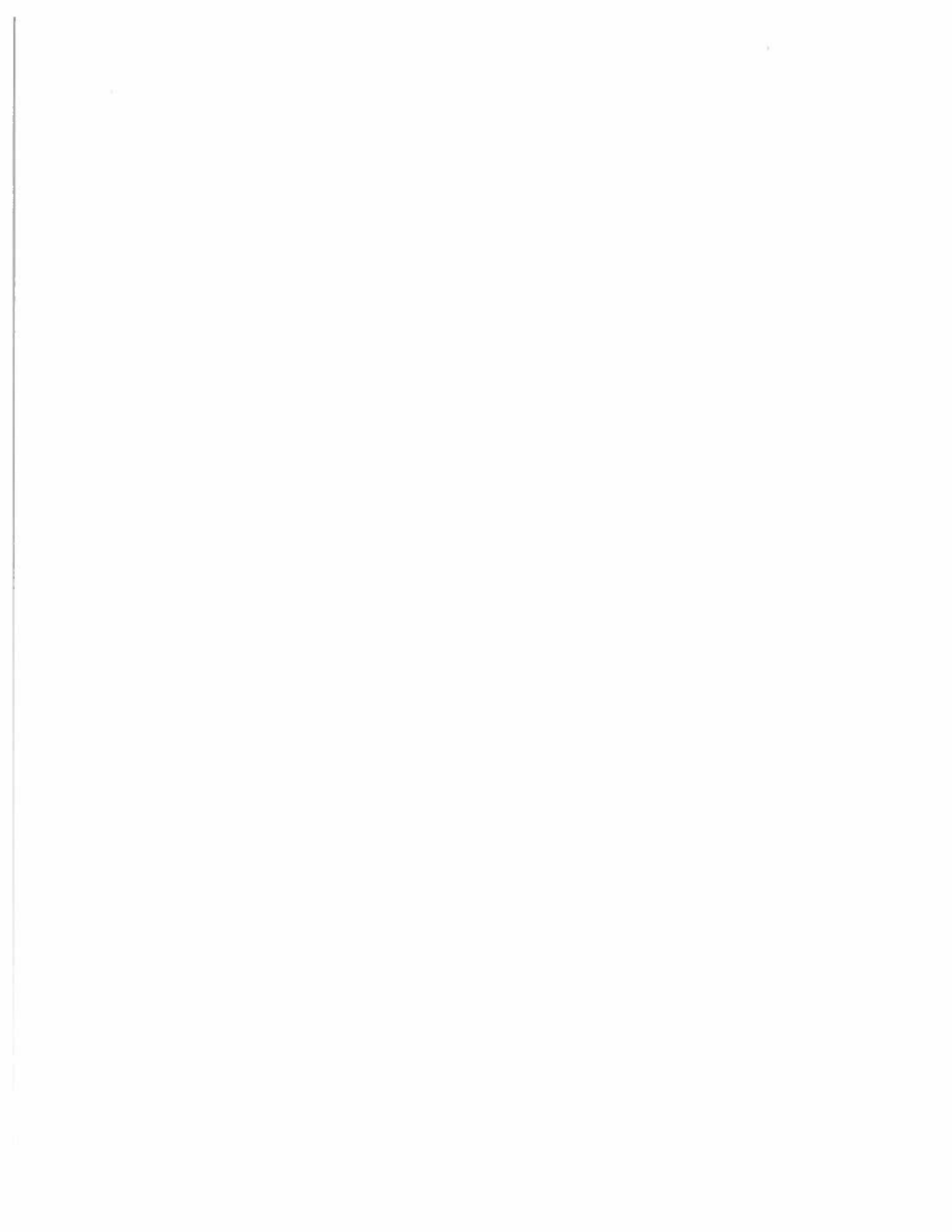
Please see attached sheet.

Have you ever served on a City Board/Commission/Committee? No  
If so, please list the Board/Commission/Committee and years of service:

1/2/2019  
Date

Pia B. Neilson  
Signature

Please return form to: City Clerk's Office, 55 Front Street, Bath, ME 04530



KS

12-17-17 203:53 2072

**City of Bath**

Application for Appointment to City Board/Commission/Committee

Full Name: Louis Anthony Ricciardone

Street Address: 38 Pleasant St. Bath ME 04530

Home Tel #: 207 607 1132

e-mail address Lou.brewer@yahoo.com

I live in Council Ward #           

I wish to be considered for appointment to the:

Solid Waste Committee  
(Name of Board/Commission/Committee)

Check one or both:

Full Membership Status

Term Begins:           

Associate Membership Status

Term Expires:           

Occupation: Landscaper

Employed by: Landcrafters Work Tel #: 443 9789

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

To help the community work toward a more sustainable way of life by promoting composting and "less is more" attitude.

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

I have been trying to save the planet since I was 10 yrs old. I started the recycling program @ St. Johns School in Brunswick when I was 11 yrs old. I'm helping city businesses compost by providing farms for waste.

Have you ever served on a City Board/Commission/Committee? yes  
If so, please list the Board/Commission/Committee and years of service:

Solid Waste Committee 1 1/2

12/18/18  
Date

[Signature]  
Signature

Please return form to: City Clerk's Office, 55 Front Street, Bath, ME 04530



KL

City of Bath

Application for Appointment to City Board/Commission/Committee

Full Name: PAUL PERKINS

Street Address: 52 GREEN ST

Home Tel #: 751-7243 e-mail address PF PERKINS @ GMAIL.COM

I live in Council Ward # 4

I wish to be considered for appointment to the:

SOLID WASTE COMMITTEE (Name of Board/Commission/Committee)

Check one or both:

Full Membership Status [checked] Term Begins: \_\_\_\_\_

Associate Membership Status \_\_\_\_\_ Term Expires: \_\_\_\_\_

Occupation: RETIRED PSYCHIATRIST

Employed by: SELF MIDCOAST HOSPITAL Work Tel #: \_\_\_\_\_

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

BECAUSE OF A LONGSTANDING CONCERN ABOUT ENVIRONMENTAL ISSUES, ESPECIALLY CLIMATE CHANGE.

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

- CHAIRED RECYCLING COMMITTEE IN ARROWSIC IN LATE 80's
- " SOLID COMMUNITIES ORGANIZATION IN 2007-2009 WHICH HELPED CRAFT OUR BATH'S CLIMATE ACTION PLAN

Have you ever served on a City Board/Commission/Committee? NOT IN BATH
If so, please list the Board/Commission/Committee and years of service:

12-19-18 Date

Paul Perkins Signature

