

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

Wednesday, February 6, 2019 6:00 PM

City Council Chambers, Bath City Hall

*These meeting minutes are dedicated in memory of  
Councilor Bernard A. Wyman, Jr.  
December 1994 – January 2019*

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

Also in attendance were the City Manager, Peter Owen, City Solicitor, Roger Therriault and Interim City Clerk, Mary Howe

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

**ROLL CALL:**

**Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Comeau, Councilor Bauer was excused, Councilor Park and Councilor Ambrosino**

*Madame Chair Eosco began the meeting announcing the passing of City Councilor, Bernard Wyman. It was an unexpected loss for the City of Bath and our hearts go out to his friends and family. Madame Chair Eosco asked that there be a moment of silence out of respect for this dedicated and long-serving Councilor.*

Madame Chair Eosco stated that there were a few unexpected agenda items since the agenda was prepared. She pulled the K items off of the consent agenda and moved them under new business and relabeled them as K2, Bath Community Forest Committee, K3, Bath Housing Authority, K4, Solid Waste Committee and K5, Assessment Review Board. Also, added was a Special Election required by the state to fill the vacant house seat of Jennifer DeChant.

**C. Public Hearings:**

There were no public hearings for this meeting.

**D. Consent Agenda: 6:03PM**

1) Minutes of the previous Council Meeting of Wednesday, January 2, 2019, (Motion to Accept as Presented). Councilor Park made a motion to accept the minutes and it was seconded by Councilor Comeau.

**E. Time Devoted to Residents to Address The City Council:**

Matt Morrison, Vice President of the Maine Energy Marketing Association from Freeport stepped up to the podium to ask the City of Bath to recognize its convenience stores. Mr. Morrison stated that these community markets are an investment in the community and that they employ your people on the frontlines helping to keep alcohol out of the hands of minors with the “We Care” program. Our concern is that when legislation decisions are made on a local level that we have representation at the table. We want to tell our side as well so when you are making decisions, you are making sound decisions without unintended consequences that could cause harm to a business. We are trying to do this throughout the State. Oxford, Turner and Lisbon have already signed the proclamation and that's why I am here tonight to give you information about who we are and what we are trying to accomplish. There are a lot of positive things happening in this direction. Our sole

purpose is to say we are here and we would like to have a better relationship with the City Councilors.

Paul Perkins, retired psychiatrist and a resident of Green Street for 21 years, stated he was here tonight on behalf of the Bath-Brunswick Chapter of the Citizens Climate Lobby, a national non-partisan organization dedicated to addressing issues with climate change. Joining him were two of his colleagues, Nancy Hasenfus, a doctor in Bath for many years and Sam Saltonstall who is a resident of Brunswick, teacher and is involved with energy efficiency initiatives. Tonight, we come to the Council seeking your support and addressing the unsettling reports about record breaking wild fires, hurricanes, floods, draughts and heat waves. In Maine, we have witnessed an increase of Lyme disease, warming of the gulf and rising sea levels on our coast which according to an article in the Times Record, may already have depressed property values on the coast. Last fall, reports confirmed human activity is driving climate change and that the problem will intensify unless we act soon. We are much appreciative that Bath City Officials have been working hard for years on energy issues and that the comprehensive plan for Bath, adopted in 2009, included a climate action plan with many specific recommendations for local action in the City. Our goal is to bring to your attention the opportunity for Bath to advocate a clean energy policy on a national level. Two weeks ago, the U.S. House introduced the first bi-partisan comprehensive climate legislation in congress in a decade, The Energy and Innovation Carbon Dividend Act. If passed into law, the policy will put a price tag on the carbon pollution which is warming the earth and driving our extreme weather. It calls for a gradually increasing fee on the pollution from coal burners, oil and gas while it protects ordinary citizens by mandating that all revenue be returned to the citizens as a monthly carbon dividend. British Columbia and Sweden have, successfully, implemented pricing schemes and recently the Canadian government, of all provinces, mandated the adoption of carbon pricing legislation. In addition, more than 40 other countries have similar policies in place or are in the planning stages. Science is telling us that climate change is real and that it's serious. Economists tell us carbon pricing offers the fastest way to our energy future and the bi-partisan bill in the U. S. House promises such a plan to jump start that transition Accordingly, we would like to ask the Bath City Council to consider supporting this legislation. Bangor, Portland, Brunswick and several other smaller Maine towns have already gone on record in support of carbon fees and dividend policies. Bath could be the first City to actually weigh in on a bill that sits on the floor of Congress. In conclusion, we have taken the liberty to draft and propose a Bath City resolution for the City of Bath to consider. Mr. Perkins stated that he'd be happy to share more of this initiative at the Council's request.

Dr. Nancy Hasenfus, also, spoke regarding this topic and thinks that it's important to realize that some people turn away from climate change because it seems overwhelming. As many of you know, our own Federal government and the United Nations say we only have 10 to 11 years to turn this around before it's too far gone. The price on carbon, as it comes out of the ground, would go up every year until we achieved success. People wouldn't suffer because the fee collected goes back to American citizens every month so you can use it to pay for your oil or gas until transitions for more renewables happen. It's really a very bipartisan thing and in some ways a very conservative idea because it doesn't add another whole branch of government. It will be collected by the IRS and distributed back to American citizens so it follows basic economic principles and the modeling shows that it won't hurt our economy but actually stimulate it. The world will go to renewables at some point and we would like to lead it, not follow it.

**F. Ordinances, Resolutions and Orders: 6:13 PM**

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

Madame Chair Eosco read the following order.

## **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.

Madame Chair Eosco asked if there was a motion to put the order on the floor. Councilor Park made the motion and it was seconded by Councilor Comeau.

Marc Meyers, Assistant City Manager, stated the order covers the bulk of it but the City Manager's office is recommending the sale of 505 High Street which is a tax acquired property due to unpaid property taxes and a former housing improvement loan. Earlier this year, the Code's Officer informed the City of some violations to the vacant building ordinance that the City passed last year and that the City would have to address this property to come into compliance and staff determined it was in the best interest of the City to sell the property. Per the City's procedure position of City owned property, the City Manager's office reviewed the property and department heads reviewed the property and determined that the City does not have an interest in retaining the property for any present or future City use. Madame Chair Eosco asked if anyone had any preliminary questions. Councilor Park assumed that the condition of the sale will require the property to be fixed up within a certain time frame. Roger Therriault, City Solicitor stated that when that time comes, it will be specific.

Madame Chair Eosco asked if anyone from the public had any questions about this and if there were any final Council comments.

**Madame Chair Eosco asked all those in favor of the order.**

**VOTE ON ORDER:**

**YEAS: 6**

**NAYS: 0**

**Passed Unanimously**

**G. Petitions and Communications:**

**3) Quiet Zone Request by Scott Massey.**

Madame Chair Eosco turned the discussion of petitions and communications over to Peter Owen, City Manager. Mr. Owen stated that the City received a petition from Scott Massey of 5 Kennebec Circle to request a quiet zone in his neighborhood. The railroad is required to sound a horn, two long blasts and one short when they cross an open crossing. We have quiet zones within the City and as a result of the quiet zones, the City had to put up gates on North Street. There is a process to request a quiet zone and that process requires that the applicant do an engineering study to determine what would replace the quiet zone because something has to be put in place to protect the public at a crossing. The location, in question, is a private driveway with a crossing and two trestles. Trestles are a little different where warning signals come by the discretion of the locomotive engineer. Engineers are in the habit of blowing the whistles and the City has asked that they reduce the warning whistles whenever possible. But, when it comes to a private driveway, the City is limited by Charter requirements. The City cannot spend any public funds on private property. The City is limited as to what they can do and they can't order an engineering study on private property. Mr. Owen stated that he sent a letter to Scott Massey explaining this and indicated that it is the resident's responsibility. The issues here are the engineering study, cost and the effectiveness of putting in a quiet zone where they will still have to blow whistles because of the trestles. The City has a formal petition process which is in the City of Bath's Charter and must go before the City Clerk's Office. The petition requires a certain amount of signatures but this petition, according to Charter, does not fall under this category. It does not mean the Council will not address it, just that the Council will not have to take any action. We have processed a letter to Mr. Massey that the City is not looking to take any action because of the limitations of what the City can do. Madame Chair Eosco agreed to let Mr. Massey speak.

Scott Massey of 5 Kennebec Circle spoke about his petition and said that Councilor Comeau never indicated that he needed to go to the City Clerk's Office. Mr. Massey said that he was here to petition the City of Bath to extend the existing railroad quiet zone to include the two crossings at 167 Old Brunswick Road, private driveway. 18 neighbors signed the petition in one day of canvassing, including Douglas Soucie the owner of 167 Old Brunswick Road. The trestle over Whiskeag Creek was mentioned by the City and not Mr. Massey but he would be very pleased if this trestle was included in the quiet zone. Mr. Massey stated that he moved to Bath in 2001. At first, there was very little freight train traffic but the horns became loud and bothersome. The rails were in terrible shape and the house would shake when the trains passed by. The rail beds were repaired and leveled which limited the shaking but the horns got much worse. They blew 4, 175 decibel horns for each crossing, two long and two short. OSHA says anything above 90 is harmful to hearing. They made four trips a day, in each direction, for a total of 64 horn blasts a day. At that time, John James initiated a railroad quiet zone that the rest of Bath currently enjoys. Unfortunately, he did not request the quiet zones in our neighborhoods but I have talked to him and he has agreed to help us. Now, only the City can request a quiet zone, especially one that includes a private crossing. When my property was assessed in the 2000's, I complained about the noise and the shaking. The Assessor lowered my valuation by 10 percent. Great Eastern has discontinued service but Amtrak has plans to service Rockland. The 175 decibel freight train horns are still really loud and

bothersome and are the reason we are asking for the quiet zone now. Amtrak will only make the train horn situation much worse. There will be costs for this extension, new evaluations and some improvements; including a gate, bell and red light system on private property. I would expect the City to pay for the evaluation and the Railroad to pay for the gates. I believe property values will increase with a quiet zone in place, then without one. Overtime, the increased tax revenues will exceed the one time costs. On behalf of the petitioners, I ask your support, action and funding to extend the railroad quiet zones in our neighborhood.

#### **H. City Manager's Report: 6:29 PM**

The City Manager had nothing to report at this time.

#### **I. Committee Reports: 6:29 PM**

Council Nordmann reported that the Winnegance Herring Committee met again and they received a bid of \$5 per bushel and accepted the bid. DMR is hoping to get a grant to reduce the salinity in Winnegance Pond so the herring can hatch their eggs. This would be done by raising the water line and putting in a siphon. This was a successful bid and we have a harvester ready to start work in the spring.

Council Comeau reported that the Bicycle and Pedestrian Committee met. This committee has been setting priorities for each committee meeting. Their priority has been the streets and sidewalks in the City of Bath. They've been working very closely with public works. They have established a priority list of sidewalks that they feel need to be upgraded. Councilor Comeau didn't have the list with him but would have Kevin Shute send the list to Madame Chair Eosco.

Councilor Comeau, also, reported that H.M. Payson the finance company that's monitoring the finances for the City of Bath's, continues to do a great job.

Councilor Ambrosino reported she had a robust conversation with the finance firm and agreed that everything is going well. It was an interesting meeting. We had a lot to talk about and we all learned something from it.

Councilor Bailey reported on the South End Traffic Study Steering Committee and its meeting on January 31<sup>st</sup>. She wanted to thank all of the people who came out on a cold night, particularly the residents. The messages were given and pretty well received about how there is no one silver bullet. It takes an integrated solution to work these issues and it's going to take a mix of things, like more offsite parking and shuttle use, one way street designation and resetting traffic signals for a longer run, particularly on Washington Street. There will be more to come. Councilor Bailey suggested to go to the City's website and look at the presentation or go to the library as there should be a copy there. Sagadahoc County Budget Advisory Caucus met and Councilor Bailey and Councilor Ambrosino are the new members and have the excitement of reviewing the county budget all winter.

Councilor Paulhus reported that the South End Traffic Study meeting was very well attended and that he's excited about this process. As Councilor Bailey said, there won't be one solution but there will be steps and several things to try. We are definitely moving forward in the right direction. We have participation from the City of Bath, BIW and Maine DOT. This will be a good thing for the south end. Madame Chair Eosco applauded BIW for their part in helping find a solution.

Councilor Ambrosino reported that the Parks and Recreation Commission was setting goals and that they are finishing up with their survey, hoping to complete it soon and take action to it. We talked about offering more programming and what people would like to see for younger folks, seniors and in between. We see a lot of school aged children in our programs and it's important to be able to create a link where more school age children can get involved and participate, making it more harmonious for children and parents.

Councilor Ambrosino reported that the Bath Community Forestry Committee met as well. They are thinking about putting together another trail at Butler Head and the committee may name it, Harlequin Trail. We should know more as it develops this summer.

The annual dinner will be coming up in late spring/summer and we are working on confirming a date. We are going to have a celebration for the Garden Center so stay tuned.

Councilor Park reported that the Facilities Committee did not meet. One of the things they are thinking about is the Morse High School turnover. We had a good meeting with the Solid Waste Advisory Board with lots of feedback from landlords that came to the meeting and gathered a lot of information. It's a complicated issue so we are still wrestling with that and are hoping to come to Council with a discussion and feedback in the near future.

**J. Unfinished Business: 6:43 PM**

**K. New Business:**

**The following citizens were appointed to the boards and committees listed below:**

2) Myra Keeble, Bath Forestry Committee

Madame Chair Eosco asked if there were any other nominations. All those in favor.

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Passed unanimously**

3) Pia B. Neilson, Bath Housing Authority Board of Commissioners

Madame Chair Eosco asked if there were any other nominations. All those in favor.

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Passed unanimously**

4) Louis Riccardoni, Solid Waste Advisory Board Committee

Paul Perkins, Solid Waste Advisory Board Committee

Madame Chair Eosco asked if there were any other nominations and that she would do this as a slate of two.  
All those in favor.

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Passed unanimously**

5) James Princiotta, Assessment Review Board

Madame Chair Eosco asked if there were any other nominations. All those in favor.

**VOTE:**

**YEAS: 6**

**NAYS: 0**

**Passed unanimously**

**Special Election**

A letter was prepared by the Clerk's Office for the Council to sign asking Governor Janet Mills to prepare a proclamation for a Special Election to fill the House of Representative seat vacated by Jennifer DeChant. The City of Bath will, also, run their Municipal Election at the same time to fill the Ward 4 Councilor seat vacated by the untimely passing of Bernard Wyman.

#### **L. Councilor Announcements: 6:56 PM**

Councilor Bailey announced that the Age Friendly Community Network has a newsletter. Councilor Bailey wanted to let everyone know that tomorrow night, AARP is buying people drinks at the Concinnity Lounge. They're partnering, mainly, to get people out to meet other people the first Thursday of every month. We have about 1,000 surveys that have been returned. There's more information in the winter newsletter which Councilor Bailey hopes to get on the City's website.

Councilor Paulhus announced the Maine Humanities Commission is going to be helping communities and planning for the bi-centennial. There is a meeting coming up about this in March. We will keep an eye on that meeting with more information as we go forward. Councilor Paulhus, also, mentioned the absence of Bernard Wyman and the Council's first meeting without him. He is here with us and his photo is on the wall keeping an eye on us. Councilor Wyman's influence and his legacy are out there and will always be in the City. Everyone knows Councilor Wyman was involved in many things. He was a great public servant, will be missed and never forgotten. The things he started in the community are going to continue.

Madame Chair Eosco announced that there will be a proclamation and a rocking chair presented to Bernie's wife, Quinda and family next month from the City of Bath, a letter from Senator Eloise Vitelli and a memorial from the legislature as well.

Council Park met with the Maine Delegation of Aomori who were visiting with the (Friends of Aomori) in Portland. Councilor Park met with them in Bath for a very good presentation with a concept we are developing. It's called the 30/130 Cheseborough Celebration and as things progress, you will hear more about it.

Councilor Nordmann announced that there is full time staff available for veterans at 62 Pegasus Street at Brunswick Landing who don't think they can make it to Togus.

Council Comeau mentioned that if there are any fire hydrants near Bath residents to please clean around them and keep them clear of snow.

Madame Chair Eosco announced that she completed her interim as director of Main Street Bath. She introduced, Amanda Stanley as the new director. Amanda spoke saying she loves Maine. Bath is the epitome of everything we love about Maine. Mainers help each other out and show up to meetings like this. We truly care about each other and a huge part of my role at Main Street Bath will be to get out and meet people.

Madame Chair Eosco talked about Maine 200 and on how we want to pull this together. She would like to call on anyone who has any ideas and is asking non-profits in Bath for their help. Everything in their work plans for this year should have Maine 200 on top of it. Sagadahoc Preservation, Patten Free Library and Maine Maritime Museum or anyone from Morse High School willing to roll up their sleeves and share ideas would be appreciated.

Council Comeau talked about the agencies last year that came before us requesting funds. We might want to ask for their financial statements before they approach this Council for any funding. In April, we will be going into budget deliberations and we need to advise them that we will be looking for that type of document. Madame Chair Eosco mentioned that maybe Juli Millett can be reminded of the discussion with questions about where people are with their budgets. When we spend money, we need to be very careful about how we spend the taxpayer's money. We do not have a fund where we give away money to non-profits. Council Bailey, also, recommended that these agencies give an annual report.

Madame Chair Eosco made a motion to adjourn. Councilor Bailey motioned the move and it was seconded by Councilor Ambrosino.

Meeting adjourned at 7:09 PM

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.*