

SPECIAL MEETING MINUTES
BATH CITY COUNCIL
WEDNESDAY, MAY 15, 2019
FOLLOWED THE PUBLIC BUDGET HEARING
CITY OF BATH COUNCIL CHAMBERS

Present: Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Councilor Comeau, Councilor Bauer, Councilor Park, Councilor Ambrosino and Madame Chair Eosco

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

I. Order: To prepare and post Warrant for the Regional School Unit #1 Budget Validation Referendum Election to be held on June 11, 2019

Madame Chair Eosco read the following order:

ORDER

In City Council
May 15, 2019

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the RSU #1 Budget Validation Election will be held on the Tuesday following the second Monday of the month of June, the same being the 11th day of said month, in the year of our Lord Two Thousand Nineteen, at 8 O'clock in the forenoon, then and there, to cast their votes at the RSU #1 Budget Validation Election in their respective Wards (1-7) for:

Question 1: Do you favor approving the Regional School Unit #1 budget for the upcoming school year that was adopted at the latest regional school unit budget meeting and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

Question 2: Do you wish to continue the budget validation referendum process in Regional School Unit #1 for an additional three years?

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

Councilor Park made a motion to put order on the floor and it was seconded by Councilor Bauer.

Madame Chair Eosco asked if Councilors had any questions about this order. She, also, asked if anyone from the public had any questions and there were none.

VOTE:
YEAS: 8
NAYS: 0

Order passed unanimously.

Madame Chair Eosco read the following order:

II. Order: Registrar of Voters Hours for the Regional School Unit #1 Budget Validation Referendum Election to be held on June 11, 2019

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30 a.m. to 4:30 p.m., Monday – Friday and on Tuesday, June 4, 2019 from 5:00 p.m. to 7:00 p.m. prior to the RSU #1 Budget Validation Election to be held Tuesday, June 11, 2019.

Voters may register at the Bath Middle School, 6 Old Brunswick Road, on the day of Election from 8:00 a.m. to 8:00 p.m.

Madame Chair Eosco asked for a motion to put the order on the floor.

Councilor Bauer made the motion and it was seconded by Councilor Bailey. Madame Chair Eosco asked if Councilors had any questions about this order. She, also, asked if anyone from the public had any questions and there were none.

VOTE:
YEAS: 8
NAYS: 0

Order passed unanimously

III. Public Hearing: Bruno's Wood-Fired Pizzeria, LLC, 128-132 Front Street. Robert Whisenant, Applicant

NOTICE



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

A LIQUOR LICENSE FOR:

Bruno's Wood-Fired Pizzeria, LLC

**128-132 Front Street
Robert Whisenant, Applicant**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, MAY 15, 2019 AT 6:02 P.M.** IN THE AUDITORIUM, AT CITY HALL, BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATION SHOULD OR SHOULD NOT BE APPROVED.

Mary C. Howe
INTERIM CITY CLERK

Individuals needing assistance for effective communication, please contact the City Clerk's Office at 443-8332, Ext. 1200

LEGAL ADV.: RUN TIMES: WEDNESDAY, MAY 1ST, THURSDAY, MAY 2ND AND FRIDAY, MAY 3, 2019

Madame Chair Eosco stated that this public hearing was for a liquor license for a new restaurant, Bruno's Wood-Fired Pizzeria, LLC that will be located at 128-132 Front Street.

Robert Whisenant, applicant/owner, gave a brief description of the new restaurant. It will have a wood-fired oven and two dining rooms on the main floor. The bar will be located in one of the main dining rooms and will be small with about ten seats. There are plans to have an outdoor patio out back with six to eight tables and it will be closed in. In the lower level, there will be an overflow seating area. Councilor Bailey asked Mr. Whisenant if he had any experience in the food business and he said that he once ran three restaurants in the Portland area. Councilor Ambrosino asked if Mr. Whisenant had any experience with a pizzeria and he said that he has practiced with his wood-fired oven during fundraisers. Councilor Comeau questioned about the outdoor seating and where the wood storage would be. Mr. Whisenant stated that there will be a low profile enclosure around the dumpster and the wood will be stored there. Mr. Whisenant stated that this oven will not require a lot of wood because of its efficiency. Madame Chair Eosco asked if alcohol would be permitted on the patio and Mr. Whisenant stated that it would. Councilor Ambrosino asked if he would be using locally grown foods and Mr. Whisenant said, yes. Councilor Leonard asked how Mr. Whisenant's pizza would differ from other pizza establishments in Bath even with using a wood-fired oven. Mr. Whisenant said that wood-fire cooking is completely different from other cooking methods. The wood-fired oven cooks light, quickly and caramelizes the crust. Madame Chair Eosco asked if Mr. Whisenant would be selling the pizza in individual slices and he said that he would not. There will be take out and, eventually, a delivery service. Councilor Leonard asked what other types of foods will be on the menu. Mr. Whisenant said that they will feature other entrees such as wings, gourmet salads and pasta dishes. He would like to keep it simple and quick. Madame Chair Eosco asked if anyone from the public had questions about this liquor license and there were none.

VOTE:

YEAS: 8

NAYS: 0

All were in favor of approving the liquor license.

IV. BOND ORDINANCE: Authorizing up to \$255,500 of the City's General Obligation Bonds to Finance Miscellaneous Municipal Improvements and the Acquisition of Vehicles and Equipment
(first passage)

Madame Chair Eosco read the following bond ordinance:

BOND ORDINANCE

AUTHORIZING UP TO \$255,500 OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE MISCELLANEOUS MUNICIPAL IMPROVEMENTS AND THE ACQUISITION OF VEHICLES AND EQUIPMENT

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

- Section 1. That a sum of up to, but not to exceed, \$255,500, plus the sale premium of and investment earnings on the bonds authorized in Section 2 below, is hereby appropriated for the purpose of funding the following municipal improvements, vehicles and equipment, including issuance costs therefor:
- Police - Police Department Vehicles
 - Public Works - Replace 1/2 Ton Pickup Truck
 - Public Works - 2.5 Ton Truck Replacement
 - Public Works - Public Works Fire & Security System
 - Public Works - Public Works Mens Room
 - Public Works - Public Works HVAC
 - Recreation - McMann bathrooms
- Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$255,500 under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.
- Section 3. That any and all bonds or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager.
- Section 4. That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3), pursuant to Section 807 of the City Charter.
- Section 5. That the term of any bonds issued pursuant to this Ordinance shall not exceed eleven (11) years.
- Section 6. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.
- Section 7. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized to make any bonds or notes in anticipation thereof issued pursuant to this Ordinance subject to prepayment and call for redemption with or without premium prior to the stated maturity date at the election of the City.

Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

That the bonds or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.

Section 9. That in the event the City Treasurer elects to issue such bonds or notes in anticipation thereof through the Maine Municipal Bond Bank (the "Bond Bank"), that the City Treasurer and the Chair of the City Council and the City Manager be and hereby are authorized, on behalf of the City, to enter into a loan agreement with the Bond Bank in conjunction with the issuance of the bonds or notes, in the aggregate principal amount not to exceed \$255,500 with a term not to exceed the term of the bonds or notes, said loan agreement to be in the usual and ordinary form utilized by the Bond Bank in connection with its General Resolution Program, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the Treasurer, the Chair of the City Council and the City Manager may approve, their approval to be conclusively evidenced by the execution thereof.

Section 10. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds or notes in anticipation thereof.

Section 11. That if the City Treasurer, Chair of the City Council, City Manager, or Clerk are for any reason unavailable to approve and execute the bonds or notes in anticipation thereof issued pursuant to this Ordinance, any loan agreement or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

Section 12. That during the term any of the bonds authorized hereby are outstanding, the City Treasurer is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 11 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.

Section 13. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Councilor Comeau motioned to waive the reading of the ordinance and it was seconded by Councilor Leonard.

All were in favor of waiving the reading.

Madame Chair Eosco asked if there was a motion to put the bond ordinance on the floor.

Councilor Bauer made the motion and it was seconded by Councilor Ambrosino.

Juli Millett, Finance Director, stated that as with each year, when we do the capital budget, there are items that we can't afford to pay cash for, so those items are financed. A bond ordinance takes two approvals, the first approval is on public hearing night and the second approval happens when we approve the budget. As Madame Chair Eosco had indicated, this is for the few items in the capital budget that we will finance. We estimate the cost to be about \$343,000.00 for those items but we will put \$92,500.00 down and we will finance the rest at \$255,500.00. This will be a local financing and will go out to bid.

Madame Chair Eosco asked if anyone had any questions for Juli Millett. Councilor Ambrosino asked if this was known during the budget meeting and Juli Millett stated that it was. Councilor Leonard wanted to be sure she understood about the items that will be bonded. Juli Millett said that it meant that they would go to a bank and get financing for the remainder of the items and that in the budget packet it does indicate for how many years. Madame Chair Eosco asked if anyone from the public had questions or any were there any final Council comments and there were none.

ROLL CALL VOTE:

Councilors Bailey, Paulhus, Nordmann, Leonard, Comeau, Bauer, Park and Ambrosino.

VOTE:

YEAS: 8

NAYS: 0

All were in favor of the ordinance. (first passage)

Final passage will be on June 5, 2019 @ 6:01 p.m.

V. ORDINANCE: Supplemental Appropriation to Set Aside Additional Funds for Unanticipated Expenditures (first passage)

Madame Chair Eosco read the following supplemental appropriation ordinance.

ORDINANCE

SUPPLEMENTAL APPROPRIATION

WHEREAS, the City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance Account, constituting revenue in excess of those estimated in the Budget for the current fiscal year, are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling One Hundred Forty-nine Thousand Five Hundred Dollars (\$149,500.00), 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 Forty-nine Thousand Five Hundred Dollars (\$149,500.00) be and hereby is supplementally

appropriated from the General Fund Undesignated Fund Balance (Account 01-2500-00) to the Council Contingency Account (Account 01-0012-402).

Councilor Park motioned to put the ordinance on the floor and it was seconded by Councilor Paulhus.

Juli Millett specified that the supplemental appropriation does need to be approved with two votes and that's why it is before you tonight for approval and once again at the budget meeting in June. The City of Bath has an expenditure limitation and this will move the available balance forward to future years. This has been done by the Council for every year that there has been an expenditure limitation and it reserves the space under that cap for future years. Madame Chair Eosco stated this expenditure limitation will be something the Council will talk more about in the next year or so. Madame Chair Eosco asked if there were any preliminary questions. Councilor Leonard asked if this was rolling over a positive balance to the next fiscal year and Juli Millett said that this was accurate. Councilor Bailey said that this will give us a cushion. Councilor Leonard expressed that this is a use it or lose it type of thing and Roger Therriault, City Solicitor, agreed that this was correct.

Madame Chair Eosco asked if anyone from the public had any questions or were there any final Council comments and there were none.

ROLL CALL VOTE:

Councilors Ambrosino, Park, Bauer, Comeau, Leonard, Nordmann, Paulhus and Bailey.

YEAS: 8

NAYS: 0

All were in favor of the ordinance. (first passage)

Final passage will be on June 5, 2019 @ 6:02 p.m.

VI. ORDINANCE: Amendment, Chapter 17, Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions. Commercial Street (first 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

Commercial Street:

South, East and North Sides:

Insert into the twelfth line, after the language "...at all other times shall be designated as a 2 Hour Parking area." and before "From a point 170 feet North and across from the northerly side of Summer Street..." the following language:

“Except that during the time period from the first of May until the end of October on each Saturday from 7:00 a.m. to 12 noon, parking along the West side of the Waterfront Park shall be restricted to vendors for the Farmers’ Market only.”

Councilor Park motioned to put the ordinance on the floor and it was seconded by Councilor Paulhus.

Michael Field, Police Chief, stated that the Farmer’s Market is held May through October of each year from 8:30 a.m. to 12:30 p.m. at Waterfront Park. The farmer’s market usually shows up around 7:00 a.m. to set up. During this time, the police department have received calls that cars are parked where vendors need to set up for the market. The problem is getting worse with vehicles obstructing the farmer’s market. The transportation committee has met a few times and has agreed on proposing the attached ordinance. This will give the police department the authority to address and enforce the problem.

Madame Chair Eosco asked if anyone had any preliminary questions. Councilor Bailey stated that the transportation committee has discussed this and wanted Chief Field to put an ordinance forward. Peter Owen, City Manager, stated that this has been an ongoing problem and that it has been addressed in the past. Mr. Owen said that the farmer’s market has been very patient with cars blocking their set up. Madame Chair Eosco mentioned that there may be people who park there and leave early to go fishing and may not realize that there is a farmer’s market in that location so signage may have to be placed there. Councilor Ambrosino said that she was glad to see this happening after discussions with vendors. Madame Chair Eosco asked if there were anymore questions.

Dan Sortwell from Churchill Street in Wiscasset announced that he was the treasurer for the Bath Farmer’s Market. The Bath Farmer’s Market has struggled with this issue for a long time and he thanked the City for putting together the resources and that it will help the market a lot.

Madame Chair Eosco conveyed that the Bath Farmer’s Market is a huge asset to the community and we want to be sure that everything goes smoothly for them.

Madame Chair Eosco asked for any final Council comments and there were none.

ROLL CALL VOTE:

Councilors Bailey, Paulhus, Nordmann, Leonard, Comeau, Bauer, Park and Ambrosino.

YEAS: 8

NAYS: 0

All were in favor of the ordinance. (first passage)

Final passage will be on June 5, 2019 @ 6:03 p.m.

VII. ORDINANCE: Amendment, Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions. High Street (first 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

High Street:

East Side:

Delete:

“From Winter Street to a point 40 feet north of Oak Street, no parking. From a point 40 feet north of Oak Street to a point 166 feet north of Oak Street, no restrictions; From a point 166 feet north of Oak Street to a point 265 feet north of Oak Street, no parking; From a point 265 feet north to a point 171 feet north of North Street, no restrictions.”

Replace With:

“From Winter Street to a point 327 feet north of Oak Street, no parking. From a point 327 feet north of Oak Street to a point 171 feet north of North Street, no restrictions.”

Councilor Park motioned to put the ordinance on the floor and it was seconded by Councilor Bauer.

Michael Field, Police Chief stated that in April, Lee Leiner, Public Works Director, received a letter from a resident at 933 High Street about the dangers of backing out of their driveway onto High Street and they were concerned about the parking and the safety in that particular area. Mike Jones, the TSO, and Chief Field looked at the situation and agreed that this area is unsafe so this is why we are proposing the ordinance to alleviate safety concerns. Mike Jones, TSO, did speak to several residents who were supportive but he did hear back from one resident who does not support this change. We did an email push with transportation committee and everyone was positive for the change. Chief Field showed on the diagram the proposed parking restrictions on High Street. Councilor Leonard stated that she was charmed by the letter that was included in the documentation. She asked Chief Field if no parking signs would be installed and he said, yes, once it passes there would be signs as well as enforcement. Madame Chair Eosco said she received a phone call from somebody in the neighborhood on the other side of the street who supports this change.

Madame Chair Eosco asked for any comments from the public or Council and there were none.

ROLL CALL VOTE:

Councilors Ambrosino, Park, Bauer, Comeau, Leonard, Nordmann, Paulhus and Bailey.

All were in favor of the ordinance. (first passage)

Final passage will be on June 5, 2019 @ 6:04 p.m.

VIII. Appointment for Council Representative to the Bath Water District.

Madame Chair Eosco stated that Councilor Leonard has taken a look at the list of committees that Bernard Wyman was on and has chosen to be appointed to the Bath Water District. Councilor Park made the motion and it was seconded by Councilor Bailey.

VOTE:

YEAS: 7

NAYS: 0

All were in favor of the appointment.

IX. Re-appointment to the Bath Bicycle and Pedestrian Committee

Two re-appointments to the Sidewalk Vending License Committee

Madame Chair Eosco asked to appoint the following as a slate:

Tim Blair, Bath Bicycle and Pedestrian Committee (term expires, May 2022)

Karen Townsend, Sidewalk Vending License Committee (term expires, May 2020)

Robby Soares, Sidewalk Vending License Committee (term expires, May 2020)

Councilor Comeau made a motion to nominate all three and it was seconded by Councilor Bailey.

All were in favor of the three nominations.

Madame Chair Eosco asked if there was a motion to adjourn the meeting.

Councilor Park made the motion and it was seconded by Councilor Bailey.

All were in favor of the adjournment.

Meeting adjourned at 6:50 p.m.

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 for up to a year.