

REGULAR MEETING MINUTES  
CITY COUNCIL OF THE CITY OF BATH, MAINE  
Wednesday, June 5, 2019 6:00 PM  
Bath City Council Chambers

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

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

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

**C. Public Hearings:**

- 1) BOND ORDINANCE, 6:01 PM: Authorizing up to \$255,500 of the City's General Obligation Bonds to Finance the Acquisition of Vehicles and Equipment. (*second passage*)

Madame Chair Eosco read the following 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.
- Section 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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 Park motioned to waive the reading it was seconded by Councilor Bailey.

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

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

Juli Millett, Finance Director, stated that this is a bond ordinance to fund some of the equipment in the capital budget for FY2020 and the financing would go out to bid locally.

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

#### **ROLL CALL VOTE:**

**Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Councilor Comeau, Councilor Bauer, Councilor Park and Councilor Ambrosino**

**YEAS: 8**

**NAYS: 0**

**All were in favor of the ordinance.**

Madame Chair Eosco announced that this would become law in 21 days.

- 2) ORDINANCE, 6:02 PM: Supplemental Appropriation in the amount of \$149,500.  
(*second passage*)

Madame Chair Eosco read the following 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 waive the reading and it was seconded by Councilor Ambrosino.

All were in favor of waiving the reading.

Juli Millett, Finance Director, stated that the supplemental appropriation is for moving the City of Bath expenditure limitation forward into future years. This has been done every year that the City of Bath has had the expenditure limitation and that this would allow expansion under the expenditure limitation.

### ROLL CALL VOTE:

**Councilor Ambrosino, Councilor Park, Councilor Bauer, Councilor Comeau, Councilor Leonard, Councilor Nordmann, Councilor Paulhus and Councilor Bailey**

**YEAS: 8**

**NAYS: 0**

**All were in favor of the ordinance.**

Madame Chair Eosco announced that this would become law in 21 days.

- 3) ORDINANCE, 6:03 PM: Amendment, Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions. **Commercial Street** (*second passage*)

Madame Chair Eosco read the following ordinance:

## **ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

### **CHAPTER 17. VEHICLES AND TRAFFIC**

#### **Article 6. Stopping, Standing and Parking**

##### **Section 17-259. Parking Restrictions**

###### **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 Bailey made a motion to waive the reading and it was seconded by Councilor Park.

All were in favor of waiving the reading of the ordinance.

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

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

Michael Field, Police Chief, talked about the difficulty for vendors to park when setting up for the Farmer's Market at Waterfront Park. The transportation committee agreed on the proposed ordinance because it will give law enforcement the authority to address the problem. Councilor Park asked if signs would be posted and Chief Field said that there would be signs. Councilor Bailey asked when we would expect signs to go up and Chief Field said that if the ordinance passes, approximately 20 days.

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

#### **ROLL CALL VOTE:**

**Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Councilor Comeau, Councilor Bauer, Councilor Park and Councilor Ambrosino**

**YEAS: 8**

**NAYS: 0**

**All were in favor of the ordinance.**

Madame Chair Eosco announced that this would become law in 21 days.

- 4) ORDINANCE, 6:04 PM: Amendment, Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions. **High Street** (*second passage*)

Madame Chair Eosco read the following ordinance:

**ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 17. VEHICLES AND TRAFFIC

Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

**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 waive the reading and it was seconded by Councilor Bailey.

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

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

Michael Field, Police Chief, stated that Lee Leiner received a letter from a resident at 933 High Street with safety concerns about backing out of his driveway. This proposal is to change an area of a little over 300 feet to a no parking zone. Most of the neighbors are supporting this change and the transportation committee is in favor of this as well.

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

## **ROLL CALL VOTE:**

**Councilor Ambrosino, Councilor Park, Councilor Bauer, Councilor Comeau, Councilor Leonard, Councilor Nordmann, Councilor Paulhus and Councilor Bailey**

**YEAS: 8**

**NAYS: 0**

**All were in favor of the ordinance.**

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

### **D. Consent Agenda: 6:10 PM**

5\*) Minutes of the Regular Council Meeting on May 1, 2019, Public Hearing on City Budget and Special Council Meeting on May 15, 2019. (Motion to Accept as Presented)

Madame Chair Eosco asked for a motion to accept the consent agenda.

Councilor Bauer made the motion and it was seconded by Councilor Park. All were in favor of accepting the consent agenda.

### **E. Time Devoted to Residents to Address the City Council: 6:13 PM**

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

6) Authorization by Council to hold Heritage Days

Councilor Paulhus stepped in as Vice Chair of the Council Meeting while Madame Chair Eosco prepared to speak about Heritage Days.

Councilor Paulhus gave a brief summary of the Heritage Day's letter written by Mari Eosco.

Councilor Paulhus asked for a motion to put the summary of Heritage Days on the floor for discussion.

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

Mari Eosco stated that she is the coordinator for Heritage Days and a lot of what went on in the past will remain the same for this year. If people want a detailed summary of what is going on throughout Heritage Days, she recommended that people go to the Bath Heritage Day's website. There will be two nights of fireworks, with one night of fireworks on the 4<sup>th</sup> of July. There will be the traditional parade, music festival, with over 30 bands, kids' day at Library Park, firemen's muster, car show, beer tent at Waterfront Park, Mary E tours at Maritime Museum, food court, Smokey's Greater Shows and more. Mari Eosco wanted to emphasize that Heritage Days is struggling to keep going. She wanted to encourage anyone who would like Heritage Days to continue to please donate on their website. She thanked all of the businesses and individuals who have helped make this happen for this year as it costs a lot to put on an event of this magnitude. Bath Heritage Days will be partnering with Garbage to Garden for this event. Councilor Bailey brought up the waiver of City fees and permits for this event. Councilor Bailey

stated that this made sense considering the economic contribution this event brings to the City. Councilor Leonard asked what the overall costs were for Heritage Days. Mari Eosco said that previous numbers were over \$80,000.00. This is supposed to be a benefit for a non-profit but we are seeing the benefits shrink due to higher costs each year. Councilor Leonard made a few suggestions as how to make it easier for people to donate. Mari Eosco said that this is the first year they are accepting donations online. Mari Eosco reminded everyone that it takes a lot of time and money to put on Heritage Days.

Amanda Stanley, Executive Director, of Main Street Bath encouraged artists to take advantage of the artisan and marketplace to show their artwork and crafts.

Gretchen Jaeger, President of Main Street Bath wanted to thank the volunteers and City Council for their support. The biggest contribution from the City and BIW are the fireworks and Ms. Jaeger wanted to emphasize how much it is appreciated and, also, stated that the support and feedback from residents is very important.

Councilor Paulhus asked if there were any comments from the public or Council and there were none.

**VOTE: To Proceed with Heritage Days:**

**YEAS: 8**

**NAYS: 0**

**All were in favor of Heritage Days.**

Madame Chair Eosco resumed her seat on the City Council.

7) Order: Approval of Construction Contract with Hagar Enterprises, Inc. for Street Paving

Madame Chair Eosco read the following order:

### **ORDER**

#### **APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND HAGAR ENTERPRISES, INC. FOR THE 2019 STREET IMPROVEMENT PROGRAM IN THE AMOUNT OF \$429,826.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND HAGAR ENTERPRISES, INC. IS HEREBY AUTHORIZED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY, APPROPRIATE, OR



CONVENIENT TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THIS PROJECT IS FUNDED FROM CITY CAPITAL (FUND 5) ACCOUNT 05-0520-531.

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 Park.

Lee Leiner, Public Works Director, stated that he had received two bids for this project. Hagar Enterprises was the low bidder. Mr. Leiner said that the project is very similar to work they've done in the past including sidewalk work and was happy to answer any questions. Councilor Bauer questioned the quality of the paving materials and if there have been any improvements. Mr. Leiner said that there have been a lot of advancements in asphalt in the last 25 years. Councilor Bauer's concern was the reoccurrence of potholes and the constant filling in of those potholes. Mr. Leiner said that there are some interesting ideas out there about paving in a more sustainable way but, unfortunately, it's very expensive to make a road that's going to last a very long time. Councilor Park asked Mr. Leiner if he had a list of upcoming projects. Mr. Leiner read off a list of tentative paving projects. Councilor Bailey stated that a press release would be helpful. Peter Owen, City Manager, responded to Councilor Bauer's question about potholes. Mr. Owen stated that paving is usually done every 8 to 10 years.

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

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**All were in favor of the order.**

8) Order: Establishing Tax Club for the upcoming year

Madame Chair Eosco read the following order:

**ORDER TAX CLUB FOR 2019 - 2020**

**BE IT ORDERED** by the City Council of the City of Bath, as follows:

That the Finance Director, serving as the appointed Treasurer and Tax Collector, be authorized and empowered to continue a tax payment plan known as the "Bath Tax Club", making payments in a method, frequency, and manner set by, and in accordance with, the rules of said Tax Club as determined by the Finance Director; and

That membership shall be limited to one property, that being the taxpayer's primary residence, and specifically not available for commercial, industrial, personal, or rental properties; and

That enrollment in the 2019 Tax Club begins July 1, 2019, and ends August 15, 2019; with the first of twelve payments due in September 2019.

Madame Chair Eosco asked to put order on the floor.

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

Juli Millett, Finance Director, stated that tax club is a way to spread your tax bill over a 12 month period, divided into equal payments instead of the one annual payment. This program is only available on the primary residence and not for commercial, industrial, personal property or rental properties. You can enroll in the treasurer's office beginning in July and the deadline for enrollment is on August 15<sup>th</sup>. To be eligible, taxes need to be current. Juli Millett, also, stated that this would be for primary resident taxpayers that do not have escrow. All of this information is on the City's website or you can call the Treasurer's Office. Councilor Nordmann said that he thought this would be a very sensible thing to do and that he's thought of participating. Madame Chair Eosco said that this is a unique opportunity for property owners to spread out their tax payments instead of paying in one single payment.

Madame Chair Eosco asked if there were any questions from the public or Councilor comments and there were none.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**All were in favor of the order.**

9) Resolution: Setting Tipping Fee at the Bath Landfill

Madame Chair Eosco read the following resolution:

**RESOLUTION – SETTING NEW FEES FOR THE BATH LANDFILL**

**WHEREAS**, pursuant to Section 13-32 of the code of the City of Bath provides that Council may by Resolution, from time to time, set additional fees for the use of the Bath Landfill Facility, and

**WHEREAS**, the City of Council of the City of Bath has deemed it appropriate, upon recommendation of the Staff, that such fees be added, and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bath, that the Solid Waste Facility fees are adjusted, effective July 1, 2019 as follows:

<b><u>Change in Fee:</u></b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Commercial Demo	Bath - \$110/ton NonBath - \$125/ton	\$115/ton (all)
BIW Soil	\$4.50/ ton	\$6.50/ ton
Tires	\$3 each	\$5 each \$2 each additional with rim
Asphalt Shingles	\$60/\$65/ton	\$85/\$90/ton

**Additional Fee:**

Sofa/ Stuffed Chairs	\$10 each
Recycle Bins	\$10 each

**Special Rate Tipping Fee:**

Pine Tree Waste	\$75/ton
R. C. Rogers & Sons	\$75/ton

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

Councilor Park made the motion and it was seconded by Councilor Bauer

Lee Leiner, Public Works Director, stated that the Landfill fund gets a contribution from the General Fund every year to balance its budget and this would be an effort to shift the tax burden from the taxpayer to the users of the facility. Councilor Ambrosino questioned Mr. Leiner about non-residents getting a discount to use the facility. Mr. Leiner stated that there are two fees, one for residents and one for non-residents and he believes that the new fees will increase the revenues to the City. Councilor Bailey questioned Mr. Leiner's projection of \$40,000.00 in revenues and Mr. Leiner believes it is a realistic projection. Councilor Park asked about the use of recycling bins and the new charge for them. Mr. Leiner stated that there has never been a charge for the bins until now and there is no requirement to use them. Any container can be used. The only requirement is a recycling sticker that can be obtained at the Landfill or the City Clerk's Office. Councilor Bauer added that this was timely and that she agreed with it. Councilor Leonard asked about BIW soil. Mr. Leiner called it urban fill and that it's not considered hazardous waste.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**All were in favor of the resolution.**

- 10\*) Resolution: City Operating Budget
- 11\*) Resolution: City Capital Improvement Budget
- 12\*) Resolution: Landfill Fund Budget
- 13\*) Resolution: Sewer Utility Fund Budget
- 14\*) Resolution: Bath City Bus Fund Budget
- 15\*) Resolution: Bath Trolley and Transportation Budget
- 16\*) Resolution: To Increase the LD1 Tax Levy Limit

- 17\*) Resolution: Establishing interest rate on all delinquent taxes at the rate of 8.0% per annum
- 18\*) Resolution: Establishing interest rate on delinquent sewer bills at the rate of 8.0% per annum
- 19\*) Resolution: Establishing interest rate on refunds due to tax abatements at the rate of 4.0%
- 20\*) Resolution: City of Bath's Special Purpose Fund Budget
- 21\*) Resolution: Establishing Schedule of Rates for Sewer System Fees, Use Charges and Special Assessments
- 22\*) Resolution: Annual Downward Adjustment to the Percentage of Captured Assessed Value in the Wing Farm Tax Increment Financing District

**VOTE on Items 10\* - 22\***

**YEAS: 8**

**NAYS: 0**

**All were in favor of the resolutions.**

- 23) Order: Approving Bid for 505 High Street

Madame Chair Eosco read the following order:

**ORDER APPROVING BID FOR 505 HIGH STREET**

WHEREAS, the City of Bath is the owner of property at 505 High Street; and

WHEREAS, the City Council has authorized the sale of that property and has advertised for sealed bids; and

WHEREAS, the bids have been received and opened and the bidding period has expired; and

WHEREAS, the high bid submitted for the purchase of the property is from Benjamin Huebler in the sum of Twenty Thousand And One Dollars (\$20,001.00).

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the bid of Benjamin Huebler be and hereby is accepted and that the property be conveyed to the successful bidder by Municipal Quit-Claim Deed, subject to the terms and conditions in the solicitation for bids, and that the City Manager be authorized on behalf of the City of Bath to execute the Municipal Quit-Claim Deed, together with such other documents as may be necessary, appropriate or convenient to the transaction.

Councilor Park made the motion to put the order on the floor for discussion and it was seconded by Councilor Comeau.

All were in favor of the order.

Marc Meyers, Assistant City Manager, stated that in February of this year, the City Council approved an order for the sale of 505 High Street by bid. The bid opening was held on May 24<sup>th</sup> and the City only received one bid for the property. Benjamin Huebler of 79 York Street, won the bid at \$20,001.00. Mr. Huebler would like to renovate the house for personal use. This was a tax

acquired property with just under \$10,000.00 in unpaid property taxes dating back to 2015. There was, also, an additional balance for a City housing improvement loan. The original amount was \$12,000.00. Councilor Bailey asked Mr. Meyers if the buyer had the financial capacity to complete the renovations or do a rebuild on the site and Mr. Meyers said, yes. Madame Chair Eosco asked if there will be a timeline in the purchase and sale agreement when work will be accomplished. Mr. Meyers said that he would be working with the City Solicitor on this. Councilor Bailey asked if the potential buyer has set a timeline of when repairs would be completed. Ben Huebler, a Bath Firefighter, came to the podium and introduced himself. He has contacted contractors and is anxious to get started on the renovation. His optimistic goal is this fall. Peter Owen, City Manager, stated the City decided to accept this bid but would have liked more money for this property. It was more important for the City, and the neighborhood, to get this vacant house fixed up and back on the tax rolls.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**All were in favor of approving the bid for 505 High Street.**

24) Order: Approving Lease between the City of Bath and Main Street Bath (Bath Train Station)

Madame Chair Eosco read the following order:

**ORDER APPROVING LEASE**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LEASE BY AND BETWEEN THE CITY OF BATH AND MAIN STREET BATH, FOR A PORTION OF THE PROPERTY KNOWN AS THE BATH TRAIN STATION, FOR A PERIOD OF FOUR (4) YEARS COMMENCING JULY 1, 2019, AND RUNNING THROUGH JUNE 30, 2023, SAID LEASE BEING ATTACHED HERETO, BE AND HEREBY IS APPROVED AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE THE LEASE AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH.

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

Marc Meyers, Assistant City Manager, stated that the City Manager's office and Main Street Bath have reached a tentative agreement on a new lease for the Bath Train Station located at 15 Commercial Street. Main Street Bath has been the tenant since 2010. The agreement is a four year lease effective, July 1, 2019 with the rent being \$634.66 per month. Madame Chair Eosco asked if anyone had questions about the lease and there were none.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**All were in favor of the lease agreement.**

- 25) Order: Granting Easement – To grant access to the properties abutting the Water Street Municipal Parking Lot for the purpose of ingress and egress by foot and vehicle

Madame Chair Eosco read the following order:

#### **ORDER GRANTING EASEMENT**

WHEREAS, it has been brought to the City's attention that properties on the West side of Front Street and the North side of Centre Street abutting the Bath Municipal Parking Lot on Water Street, have no deeded access to the rear of their properties; and

WHEREAS, although the parking lot has been used for many, many years for such access, the owners of those properties are unable to claim prescriptive rights to establish this easement use since private property owners are not able to acquire prescriptive rights against or over the property of a municipality; and

WHEREAS, there appears to be no other solution to this problem other than for the City to grant deeded access easement rights; and

WHEREAS, failure to do so affects the marketability of these properties and their bankability.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that an access easement be prepared to grant access to the properties abutting the Water Street Municipal Parking Lot for the purpose of ingress and egress by foot and vehicle, that the easement be in a form acceptable to the City Manager and the City Solicitor, and that the City Manager be authorized to execute the access easement, any necessary Tax Declaration, and such other and further documentation that may be necessary, appropriate or convenient to convey appropriate title to the easement.

Councilor Park motioned to put order on the floor and it was seconded by Councilor Comeau.

Roger Therriault, City Solicitor, stated he was contacted by a title attorney representing buyers for some of the Sagadahoc properties for a couple of issues, one was easily resolved and another one was that there's no deeded right to access the rear of those buildings from the Water Street parking lot and this has been an ongoing problem for many years. A prescriptive easement results in use over time of someone else's property for a particular purpose. The shortest timeframe is 20 years, longest 40 years depending on which statute you look at. Easements by a prescription, do not apply to municipalities. There is no way that a private or institutional owner could acquire easement rights over a City of Bath property. They can use the parking lot like everyone else but not to access their properties. We are asking the Council to draft the appropriate documents. Nothing will change it will simply clear out access issues. Madame Chair Eosco asked if there were any comments from the public. Mr. Therriault, believes this easement is the only solution for this problem.

John Morse, President of Sagadahoc Real Estate Association, stated that he has sold some properties with the same access issues. The way the ordinance is written, owners can't even access

their deliveries. He is suggesting that the easements be expedited for the people who want to purchase the properties.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**All were in favor of the order.**

**G. Petitions & Communications: 7:11 PM**

**H. City Manager's Report: 7:11 PM**

Peter Owen, City Manager, stated that last Saturday there was a bike rodeo put on by the police department. Michelle Small coordinated the event and Mr. Owen wanted to point out that she did a great job. It was nice to see the children learning safety techniques while learning to ride bikes. Last summer, we did traffic calming measures at Richardson and Western Streets. After the public meeting, it was determined that the public did not like the traffic calming but they still want to see a reduction in speed and traffic. The transportation committee has recommended closing off the end of the streets to one way traffic. On June 26<sup>th</sup> at 6:00 p.m. at City hall, there will be a new plan in place. Notices will be sent out to residents of Richardson and Western Streets. It's highly recommended that residents show up to learn more. The City is moving forward with the reuse options for Morse High School. In preparation for the City's takeover of that building, a consultant will be hired to determine the best way to utilize this building in the future. As part of the process, we would like input from the public and the first meeting will be on June 20<sup>th</sup> at 6:00 p.m. at City Hall. There will be a facilitator presenting ideas to the public.

**I. Committee Reports: 7:15 PM**

Councilor Bailey reported that the transportation committee had a great presentation from the middle school students and they demonstrated what they had learned from their pop up bike rack experiment. They were enthusiastic, smart and gave a great presentation. The committee was, also, invited to the Celebration of Learning which Councilor Bailey attended. The gym was filled with exhibits and Councilor Bailey was very impressed with the school system, students and the teachers. Councilor Park reported on the landscape awards for residential and business and that the forestry committee will have a dinner on October 19<sup>th</sup> at the Maine Maritime Museum to help support trees and, also, for Kyle Rosenberg's work in the City. Councilor Ambrosino reported that the Harlequin Trail is complete at Butler Head. Councilor Bauer reported that the Solid Waste and Recycling Committee has been struggling for several months on a particular issue and will be making a recommendation to the Council soon and they will be talking more about composting. Madame Chair Eosco met with students from Fisher Mitchell School who would like to make a difference with trash and recycling in the school system and they would like to form a group called S.W.A.G. which would stand for Solid Waste Advisory Group.

**J. Unfinished Business: 7:19 PM**

**K. New Business: 7:19 PM**

**L. Councilor Announcements: 7:20 PM**

Councilor Bailey gave an update on the Age Friendly Initiative. They held a public forum at the library. She wanted to thank the library for that space and was happy with the turnout. Steve did a great job recording it so it's on BCTV. Councilor Bailey stated that the Bath Senior Center asked her to give a talk

about the Age Friendly Initiative. There is, also, a paper shredding event hosted by the Age Friendly Initiative at the Bath Police Department parking lot on Saturday, June 8<sup>th</sup> at 10:00 a.m. to 2:00 p.m. The Concinnity Lounge meet and greet has ended for the summer. Councilor Ambrosino wanted to remind everyone about the five mile road race on Heritage Days. Councilor Park announced that the T-Sugaru Sister City Organization is busy getting ready to host and, also, to send a delegate over to Japan. When the group comes over, there will be a celebration of the 30/130 Memorial at the Maine Maritime Museum on July 22<sup>nd</sup> at 3:00 p.m. Councilor Park reminded everyone that the RSU #1 Budget Validation Referendum Election is on Tuesday, June 11, 2019 and recommended that people come out and vote. Madame Chair Eosco commented about Bath's cemeteries and their need for attention. Money for restoration will come out of a perpetual care fund.

Councilor Bauer made the motion to go into executive session and it was seconded by Councilor Park.

All were in favor of going into executive session at 7:26 PM

**EXECUTIVE SESSION:** Real Estate Matter per 1 MRSA §405(6)(C), 505 High Street and the former YMCA property and to discuss a personnel matter per 1 MRSA §405(6)(A)

Councilor Bauer motioned to end the executive session and it was seconded by Councilor Bailey at 8:12 PM

All were in favor of ending the executive session at 8:12 PM

A motion to adjourn the executive session was made by Councilor Bauer and seconded by Councilor Ambrosino at 8:13 PM.

All were in favor of the adjournment.

**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.*