

**REGULAR MEETING MINUTES**  
**City Council of the City of Bath, Maine**  
**Wednesday, March 4th, 2020 6:00 PM**  
City Council Chambers, Bath City Hall

**Present:** Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Councilor DeChant, Councilor Bauer, Councilor Park was excused, Councilor Ambrosino and Madame Chair, Eosco.

**Also Present:** City Manager Owen, City Solicitor Therriault and City Clerk Wheeler

**Madame Chair Eosco called the meeting to order at 6:00 PM.**

Madame Chair Eosco led the Pledge of Allegiance

Presentation by Bath Community Forestry Committee.

Kyle Rosenberg led the discussion with a slide show presentation. He discussed what his role as a Bath City Arborist is and his responsibilities regarding the health and appearance of the parks and other green spaces within the City. Michael Jakobowski, Bath Forestry Committee member, completed the presentation with how the committee has grown by members and volunteers. Mr. Jakobowski explained the projects that are done annually with the help of the very involved community.

Madame Chair Eosco announced that there would not be an Executive Session following the Regular Meeting.

**C. Public Hearing: 6:14pm**

- 1) New Medical Marijuana Storefront and Marijuana Store (recreational) License for Highbrow Industries, LLC located at 141 Leeman Highway (approval)

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

A **MARIJUANA ESTABLISHMENT LICENSE APPLICATION** FOR:

**Highbrow Industries, LLC**  
**141 Leeman Highway**  
**Contact: Jason Brossi**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, MARCH 4TH**  
**AT 6:00 P.M.** IN THE COUNCIL CHAMBERS, 3RD FLOOR, AT CITY HALL,

BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATION SHOULD OR SHOULD NOT BE APPROVED.

Darci L. Wheeler  
CITY CLERK

Michelle Stacey from Highbrow Industries, LLC expressed her excitement of offering this business in Bath. Ms. Stacey stated that they have done a lot of work with the Planning Board regarding improvements inside and out to the property. She explained that Adult Use License is the 1<sup>st</sup> Phase and would be located at the Quikmart Location at 141 Leeman Highway. The 2<sup>nd</sup> Phase would be done later at the US Cellular building.

Councilor DeChant asked what the timeframe would be. Ms. Stacey was hoping within a couple of weeks to have a Conditional License from the State. Ms. Stacey stated that it would be up to the State and would hope to have the doors open by June. Councilor Bauer asked if Ben Averill, City Planner had anything he would like to discuss regarding the application. Mr. Averill stated that the City Councilors did a job well done asking questions of the applicant. Councilor Bailey commented about the due diligence Mr. Averill and the applicant took with the site plan.

**VOTE ON MOTION:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously, 7-0**

- 2) CDBG Community Enterprise Grant - Castine Ave.

Madame Chair Eosco read the following:

The City of Bath will hold a Public Hearing on March 4, 2020, 6:00 p.m., at the Bath City Hall to discuss an application being submitted to the State of Maine CDBG program for a Community Enterprise Grant. The purpose of the grant application is to develop greenspace and a sidewalk on Castine Avenue. Public comments will be solicited at this Hearing and will be submitted as part of the application. All persons wishing to make comments or ask questions about the grant application are invited to attend this Public Hearing. Comments may be submitted in writing to: Marc Meyers, Assistant City Manager, 55 Front Street Bath, Maine 04530 at any time prior to the Public Hearing. TDD/TTY users may call 711. If you are physically unable to access any of the City's programs or services, please call 207-443-8330, so that accommodations can be made.

Marc Meyers, Assistant City Manager, explains the intent of the grant and location of the area being developed. Councilor Bailey stated that the Community Development Committee has seen this and are excited about the parking lot being turned into Green space. Madam Chair Eosco also stated that this was a recommendation that came out of the South End Study. Councilor Paulhus spoke that it was something the City needs and is excited about it.

#### **D. Consent Agenda: 6:27pm**

(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.)

3\*) Minutes of the previous Council Meeting of February 5, 2020 (Motion to Accept as Presented) Councilor Bauer noted some corrections to the minutes on page 1 the word “sked” should be spelled “asked”. Councilor Leonard pointed out her name on page 1 was misspelled, “Ray” should be “Raye”.

Motion made by Councilor Bauer to accept the minutes as amended, seconded by Councilor Leonard.

#### **B. Time Devoted to Residents to Address the City Council: 6:28pm**

Madame Chair made recommendation to limit public speaking times from 5 minutes to 3 minutes due to number of people in audience, the Public Meeting being held on Thursday, March 5th and prior commitments of City Councilors.

#### **VOTE ON MOTION:**

**YEAS: 6**

**NAYS: 1**

**Passed 6-1**

Madame Chair Eosco read the following:

#### ***Bath City Council Working Rules***

#### ***Procedures for Anyone***

#### ***Wishing to Address Council***

Adopted by City Council on December 5, 2012

Any individual wishing to address the council, after being recognized by the Chairman, will move to the lectern to speak and **give his or her name and address before beginning remarks.**

**If, during time of public comment, a person seeks merely to reinforce a point made by another speaker, his or her remarks should simply note concurrence with the specific point.**

**Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item or direct questions pertaining to any factual question presented by the agenda item. All such questions shall be directed through the Chair. In no instance shall debate of an agenda item be allowed between members of the public and the Council. No public comment**

**shall be allowed which has the effect of embarrassing or attacking the character of any individual or Councilor, and this rule shall be liberally construed and strictly enforced.**

All individuals addressing the Council shall **limit their remarks to three (3) minutes or less. No individual shall be permitted to address the Council more than twice on any agenda item.**

Pat Colwell from 16 Winter Street thanked the Council for concern regarding the rabies and appreciated having a public meeting. Solution is not the correct one and not effective. \$26000 would be better spent on bait and vaccine initiatives.

Patty Sample Colwell from 16 Winter Street gave examples of other States that have dealt with the problem of rabies. Ms. Sample Colwell recommended that the City create a task force.

Joann Adams from 10 Marshall Street stated the proximity of her property near the recent fox attacks. She expressed her concern with the rodent population increasing by utilizing the trapping program previously voted on.

Fred Cichocki of 67 Pearl Street introduced himself as a trained biologist and ecologist. Mr. Cichocki emphasized that we don't know what happens by changing the population of middle level carnivores. Advise to look at other various alternatives.

KDB Dominguez of 928 Middle Street states that she has spent the past month researching other options. Ms. Dominguez gave examples that of other towns using bait stations to combat the rabies threat. She also stated the importance of public awareness.

Isabella Jackson of 62 Denny expressed her thoughts of needing a long-term goal. Ms. Jackson stated that by looking at redevelopment of heavier forested areas would make happier residents and push back nature.

Madame Chair Eosco asked if there was anyone else that wished to speak and seeing none, closed the Public Comment at 6:50pm.

Madame Chair Eosco asked City Manager Peter Owen to share new information that we have.

Mr. Owen stated that there would be a Public Meeting at Fisher Mitchell School at 5pm on March 5, 2020. It would be a question and answer meeting and those wanting to ask questions would need to register at the door. Preference to Bath residents with everyone having a chance to speak. He stated that he had communicated with the USDA and due to the logistics and having a Public Meeting the Trapping Program would take place in March. Vaccination is an option thru the Sagadahoc Sheriff's Department. When contacted the Sagadahoc Sheriff's Department had expressed that they had never done this before and would have to figure out costs and timing.

Madame Chair Eosco clarified that vaccinations are an option, just not thru the USDA. She stated that she would like to recommend and ask for support, or not, of holding a special meeting immediately following the Public Meeting. She expressed the opportunity of hearing information that they hadn't heard previously.

Councilor Bauer put the motion to hold a special meeting on March 5, 2020 at 7pm to discuss the prior vote and action regarding the USDA Trapping program on February 5, 2020. Seconded by Councilor Ambrosino.

Councilor DeChant expressed her concern with being able to attend and asked for clarification of the agenda for the special meeting. Madame Chair would like all the new information for the Councilors to hear to ensure if the Order made on February 5<sup>th</sup> will still stand.

All councilors were in agreeance of having the extra time to hear more information and making a more informed decision. Councilor Bailey commented with her concern of not having enough time to digest the information and deciding so late at night.

Councilor Bauer amended her motion to move the special meeting to Monday, March 9, 2020 at 6pm.

**VOTE ON MOTION:**

**YEAS: 6**

**NAYS: 1**

**Passed 6-1**

Madame Chair Eosco asked all those in favor of having a meeting which is now going to be on March 9, 2020.

**VOTE ON MOTION:**

**YEAS: 7**

**NAYS: 0**

**Passed unanimously**

Councilor DeChant and Leonard are excused at 7:18pm

Madame Chair Eosco announces 2-minute recess.

**Madame Chair Eosco called the meeting to order at 7:23 PM.**

Madame Chair Eosco announced that the Executive Session will be postponed and that the order of 5 and 6 would be reversed.

**C. Ordinances, Resolutions and Orders: 7:24pm**

- 3) Acceptance of Election Tabulations for the Presidential Primary and State Referendum Election held on March 3, 2020

Madame Chair Eosco asked if there were any questions regarding the election results. Seeing none, she called for a motion to accept the results.

Motion made by Councilor Nordmann, seconded by Councilor Bauer.

**VOTE ON MOTION:**

**YEAS: 5**

**NAYS: 0**  
**Passed unanimously, 5-0**

6) Order—Extending the Term of Contract

Madame Chair Eosco read the following:

**ORDER EXTENDING THE TERM OF CONTRACT**

**WHEREAS**, the City of Bath has been reviewing proposals for the provision of solar power to City facilities; and

**WHEREAS**, the City has received proposed Contracts that call for a term of up to Twenty (20) years; and

**WHEREAS**, Section 1102 of the City Charter restricts the length of Contracts that the City may enter into to Five (5) years; and

**WHEREAS**, a recent Charter amendment allows the City Council to waive the Five-year limitation and to approve a longer term upon vote of the majority (6 votes); and

**WHEREAS**, the proposed Contracts for the provision of solar power contain terms of up to Twenty (20) years.

**NOW, THEREFORE, BE IT ORDERED** by the City Council of the City of Bath, in accordance with the amended Section 1102 of the City Charter, that the City's Contract with their choice of a solar energy provider, be allowed for up to a term of Twenty (20) years.

Motion made by Councilor Ambrosino, seconded by Councilor Bauer.

Madame Chair Eosco made comment that this is because of the Charter change voted on in November.

**VOTE ON MOTION:**

**YEAS: 6**  
**NAYS: 0**  
**Passed unanimously, 6-0**

5) Ordinance—Approving Solar Power Contract

**ORDINANCE APPROVING SOLAR POWER CONTRACT**

**WHEREAS**, the City of Bath is desirous of providing solar power to City facilities; and

**WHEREAS**, the proposed Contract for solar power calls for a term of up to Twenty (20) years; and

**WHEREAS**, Section 1102 of the City Charter restricts the length of Contracts that the City may enter into to Five (5) years; and

**WHEREAS**, a recent Charter amendment allows the City Council to waive the Five-year limitation and to approve a longer term; and

**WHEREAS**, the City Council, by Order, has authorized that the City's Contract with their choice of a solar energy provider, to be for a term of up to Twenty (20) years; and

**WHEREAS**, the proposed contract, calling for expenditure of monies beyond the current fiscal year, under Section 1102 of the Charter, requires approval by Ordinance of the City Council.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Bath that the Agreement by and between the City of Bath and Maine Power Options relating to the provision of solar power to City facilities, by and hereby is approved, and that the City Manager is authorized to execute the Agreement on behalf of the City of Bath, in substantially the form as presented, subject to changes deemed necessary by the City Manager, and to execute any other documents that may be necessary, appropriate or convenient to the implementation of the Agreement.

Motion made by Councilor Bauer, seconded by Councilor Ambrosino.

Juli Millett, Finance Director, stated that after the two workshops in January and February, the Finance Committee felt that Maine Power Options was the best option.

Councilor Ambrosino spoke about how the Finance Committee reached their decision.

Andrew Kahrl, 16 Marshall St, spoke in support of Revision Energy's proposal. He stated that last night Revision Energy received a renegotiation rate for the City that came closer to competitor's rate.

**ROLL CALL VOTE: 7:38pm**

**YEAS: Councilors Bailey, Paulhus, Nordmann, Bauer, and Ambrosino**

**NAYS: None**

**Passed unanimously, 5-0**

7) Ordinance—Centre Street Parking Change

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

Centre Street                      North Side

Delete:

From a point 150 feet west of the westerly terminus of the loading zone and running west 25 feet, handicapped parking. From a point 175 feet west of the westerly terminus of the loading zone to a point 85 feet east of Washington Street, two-hour parking. From a point 40 feet west of Front Street to a point 85 feet east of Washington Street, 2 hour parking, except that the last space before Water Street and the first space after Water Street shall be designated as 30 minute parking.

Replace with the following:

From a point 150 feet west of the westerly terminus of the loading zone and running west to Water Street, two-hour parking, except that the last space before Water Street shall be handicapped parking and the second space from Water Street shall be 30 minute parking. From Water Street to a point 85 feet from Washington Street, 2 hour parking.

Motion made by Councilor Ambrosino, seconded by Councilor Bauer.

Chief Michael Field explained the location of the parking spots affected.

**ROLL CALL VOTE: 1:42pm**

**YEAS: Councilors Ambrosion, Bauer, Nordmann, Paulhus and Bailey**

**NAYS: None**

**Passed unanimously, 5-0**

8) Ordinance—Extension of Bus Parking-Washington Street

**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

Washington Street                      East Side

Delete:

From a point 60 feet north of the northerly side of Spring Street and running northerly a distance of 113 feet, bus parking; from a point 173 feet north of the northerly side of Spring Street...

Replace With:

From a point 60 feet north of the northerly side of Spring Street and running northerly a distance of 262 feet, bus parking only, Monday through Friday, 6:00 a.m. to 4:30 p.m.; from a point 322 feet north of the northerly side of Spring Street...

Motion made by Councilor Bauer, seconded by Councilor Ambrosino.

Chief Michael Field explained the need for more bus parking at this location. Transportation Committee has endorsed this proposal.

**ROLL CALL VOTE: 1:46pm**

**YEAS: Councilors Bailey, Paulhus, Nordmann, Bauer, and Ambrosino**

**NAYS: None**

**Passed unanimously, 5-0**

9) Resolution—Approval to apply for the Land & Water Conservation Fund grant for the McMann Complex upgrades

**RESOLUTION AUTHORIZING APPLICATION FOR  
LAND AND CONSERVATION FUND ACT FUNDING**

**WHEREAS**, the City of Bath has developed plans and specifications for significant renovations and improvements to the McMann Field Athletic Complex site; and

**WHEREAS**, there is an opportunity to apply for federal financing under the provisions of the Land and Water Conservation Fund (LWCF) Act, Public Law 88-578; and

**WHEREAS**, the Grant Application requires a 50/50 match of funds by the City of Bath, estimated at \$300,000.00; and

**WHEREAS**, the City is required to provide evidence of authority to apply for and to participate in the LWCF funding.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bath that the City is hereby authorized to apply for federal funding assistance under the provisions of the LWCF Act for the purpose of renovations and improvements to the McMann Field Athletic Complex site; and

**BE IT FURTHER RESOLVED** that the City agrees to appropriate such funds as may be required to provide any matching funds for the project through its fiscal year budget beginning July 1, 2020 which may include borrowing of funds. The appropriations/borrowing are subject to, and contingent upon, the approval of federal funding.

Motion made by Councilor Bailey, seconded by Councilor Ambrosino.

Steve Balboni, Parks and Recreation Director spoke about the importance of this in order to start the projects needed for the first phase. Councilor Nordmann requested clarification of RSU's compensation for their use of the complex.

**VOTE ON MOTION:**

**YEAS: 5**

**NAYS: 0**

**Passed unanimously, 5-0**

**D. Petitions & Communications**

**E. City Manager's Report**

**F. Committee Reports: 1:54pm**

Councilor Nordmann spoke about the Winnegance Herring Committee. He stated that 393 bushels of Alewives was harvested last year in 3 days in the Winnegance Lake.

Councilor Bailey mentioned that the Appointment Screening Committee has been busy.

Councilor Bauer spoke regarding the Solid Waste Recycling Committee. They have been working on preparations for the upcoming Earth Day as well as working with the RSU#1 recycling program.

**G. Unfinished Business**

**H. New Business: 8:01pm**

- 10) Appointment of 1 member to the Forestry Committee with a term to expire in October 2023
- 11) Appointment of 1 member to the Recreation Committee with a term to expire in November 2022
- 12) Appointment of 1 member to the Transportation Committee with a term to expire in February 2021
- 13) Appointment of 1 member to the Zoning Board of Appeals with a term to expire in September 2020
- 14) Appointment of 1 member to the Bath Water District Board of Directors with a term to expire in November 2024
- 15) Reappointment of 1 member to the Recreation Committee with a term to expire in November 2022
- 16) Reappointment of 1 member to the Bath Housing Authority with a term to expire in February 2025
- 17) Reappointment of 1 member to the Personnel Service Commission with a term to expire in January 2023

Madame Chair Eosco asked if there are any more nominations, seeing none she asks for a vote to accept as a slate.

**VOTE ON MOTION:**

**YEAS: 5**

**NAYS: 0**

**Passed unanimously, 5-0**

**I. Councilor Announcements: 8:05pm**

Madame Chair Eosco asked for a motion to adjourn the meeting.  
Councilor Bailey motioned to adjourn, seconded by Councilor Paulhus

**VOTE ON MOTION:**

**YEAS: 5**

**NAYS: 0**

**Passed unanimously, 5-0**

Meeting adjourned at 8:08 pm.

Attest:

*Darci L. Wheeler*

Darci L. Wheeler

City Clerk

