

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, November 4th, 2020 6:00 PM
Remote Zoom Meeting

Present: Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Councilor DeChant, Councilor Bauer, Councilor Park, 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 6:00PM.

Madame Chair Eosco led the Pledge of Allegiance

Donation of gavel by Madame Chair for Council Chambers.

Madame Chair Eosco stated that items 11 thru 13 will be pulled from agenda, Council will enter executive session after item 10 and then come back into regular meeting for item 14.

C. Public Hearings

1) Ordinance – General Assistance Maximums for 2021 (second passage)

**Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2020 to
September 30, 2021 (first passage)**
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 8A. GENERAL ASSISTANCE ORDINANCE

Pursuant to 22 M.R.S. § 4305, the municipal officers of the Municipality of The City of Bath hereby enacts the following General Assistance Ordinance in its entirety, after notice and hearing. This Ordinance shall supersede and replace all previous Ordinance versions. A copy of this Ordinance is filed with the Department of Health & Human Services (DHHS) in compliance with Title 22 M.R.S. §4305(4), and shall be available for public inspection at the municipal office along with a copy of the Maine Revised Statutes, Title 22, chapter 1161.

Signed this _____ day of _____, _____, by the municipal officers:

(Print Name)

(Signature)

Appendix A –H The enclosed Appendices A–H have been revised for your municipality’s General Assistance Ordinance. These new Appendices, once adopted, should replace the existing Appendices A–H. Even if you have already adopted MMA's model General Assistance Ordinance, the municipal officers must approve/adopt the new Appendices yearly.

Appendix A- Overall Maximums

Persons in Household

2019/2020	1	2	3	4	5
Sagadahoc County	809	915	1076	1425	1677

New Maximums

Persons in Household

2020/2021	1	2	3	4	5
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Sagadahoc County	821	933	1095	1449	1691
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*Note: Add \$75 for each additional person.

Appendix B-Food Maximums

Persons in Household

2019/2020	1	2	3	4	5
Sagadahoc County	194	355	509	646	768

2020/2021	1	2	3	4	5
Sagadahoc County	204	374	535	680	807

*For each additional person add \$153 per month.

Appendix C - Housing

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2009-2010 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are subtracted from the FMR to obtain a pure "housing" cost.

# Bedrooms	2019/2020		2020/2021		
	unheated	heated	# Bedrooms	unheated	heated
1	723	851	1	738	871
2	832	998	2	849	1023
3	1125	1334	3	1152	1365
4	1311	1568	4	1325	1588

Appendix D – Utilities There was NO CHANGE in the Utilities

1) **Electricity Maximums for Households *Without Electric Hot Water***: The maximum amounts allowed for utilities, for lights, cooking and other electric uses **excluding** electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00

2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses **excluding** heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

Appendix E – Fuel There was **NO CHANGE** in fuel

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

Appendix F – Personal and Household Supplies There was **NO CHANGE** in Personal and Household Supplies

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

Appendix G Mileage Rate (NO CHANGE)

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is ~~45~~ (44) cents (~~45¢~~) (44) per mile.

Appendix H Funeral Maximums (There was no change in the Funeral Maximums)

Burial Maximums

The maximum amount of general assistance granted for the purpose of a burial increased to **\$1,475**. Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation increased to **\$1,025**. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery

- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

Councilor Park makes motion to waive the reading, Councilor Ambrosino seconds.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

Finance Director Juli Millett states that the maximums are determined by the state of Maine and is an annual update. The extra info in the packet answers questions posed at the last meeting.

Councilor Bauer makes motion to put on floor, Councilor Park seconds.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

Will become law in 21 days.

D. Consent Agenda 6:10pm

*2) Minutes of the previous meeting of October 7, 2020 Council Meeting (motion to Accept as Presented)

Councilor Park made motion to accept, Councilor Bauer seconds.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

E. Time Devoted to Residents to Address City Council

Ruth Lawson-Stopps of 1444 High Street

F. Resolutions, Orders and Ordinances

3) Acceptance of Election Tabulations for the State of Maine General (Presidential) Election, City of Bath Municipal Election and RSU #1 Board of Directors Election held on November 3, 2020.

Councilor Park questions regarding the RSU#1 Board of Directors Election results with the previously emailed results. City Clerk Wheeler apologized and read the results.

Councilor Park makes motion to put on floor, Councilor Bauer seconds.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

- 4) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259 Parking Restrictions. (first passage)

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 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."

Replace With: "From Winter Street to a point 265 feet north of Oak Street, no parking. From a point 265 feet north of Oak Street to a point 171 feet north of North Street, no restrictions."

Councilor Park makes motion to put on floor, Councilor Bauer seconds.

Police Chief Field explained the reasoning about this ordinance. It is reducing the length of a previously approved ordinance.

Councilor Nordmann questions if the residents have been notified about this change

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

Madame Chair Eosco states that the second passage will be heard on December 2, 2020 at 6:01pm

- 5) Ordinance: LUC Amendment to Article 8.12, Historic Overlay District

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

ARTICLE 8: DISTRICT REGULATIONS

SECTION 8.12 HISTORIC OVERLAY DISTRICT (HO)

H. APPROVAL CRITERIA

Prior to approving any application for Historic District Review, the Historic District Approval Authority must find that the following criteria have been met:

- (e) ... Alternate-energy Devices: ~~Wind generators, solar collectors, and similar alternate-energy devices may be utilized only if they can be installed in a manner in which they are not visible from a public way.~~
- 1. Solar arrays, whether photovoltaic or thermal, may be utilized on buildings; if the arrays are not visible from a public way or; if they are installed on a roof rack system which keeps the panels as close as possible to the roof, on the same plane as the roof, and do not intrude on the façade of the building.*
 - 2. Other alternate energy devices including wind generators may be utilized only if they can be installed in a manner in which they are not visible from a public way.*

Councilor Bailey makes motion to put on floor, Councilor Ambrosino seconds.

City Planner Ben Averill gives information that this was a permit request for the Planning Board that the council saw back in May. The Planning Board held an October 6th public hearing regarding this.

Councilor DeChant questions the working definition of public way. Visible from the street or where public would be gathering was Mr. Averill's response. City solicitor Therriault states that the public way meaning is a road that the government has responsibility for.

Councilor Bauer wanted to know if the language should include sound limits. Mr. Averill stated that the current language can be amended if wanted.

Councilor Leonard inquires if this will apply to the entire historic district or just a part of it. Mr. Averill explains that they would have to file an application with the planning board for approval on a case to case basis.

Councilor DeChant states that she does not think the proposed language is written clear enough.

Madame Chair Eosco explains her support of the solar arrays and how this could be beneficial to the city.

Sam Saltonsall of 38 Harding Road, Brunswick is a member of the church that has the application for installing solar panels on the building. Councilor Bailey asks Sam where the panels would be located on the building for clarification.

ROLL CALL VOTE:

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

NAYS: Councilors Leonard, DeChant

Passed, 6-2

6) Order: Approving purchase of Loader

ORDER AUTHORIZING PURCHASE

WHEREAS, the City of Bath Public Works Department intends to purchase a new loader;
and

WHEREAS, the City has gone out to bid for this equipment; and

WHEREAS, the City has received and opened a number of bids relative to the equipment purchase; and

WHEREAS, the most qualified bid was provided by Nortrax, Inc. for a 2021 John Deere 524L at a bid price of \$166,165.00.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the bid price provided by Nortrax, Inc. of \$166,165.00 for the purchase of a 2021 John Deere 524L loader, be and hereby is accepted and the City Manager is authorized to execute any and all documentation necessary to finalize the purchase of the equipment. The funds for this purchase are designated in the City's 2020/2021 Fiscal Year Budget in Public Works Capital Fund account 05-0520-533.

Councilor Ambrosino makes motion to put on floor, Councilor Bauer seconds.

Finance Director Juli Millett answers Councilor Bailey's question of if there is a fiscal shortfall expected due to the pandemic. She states that everything is on track for this year as of now.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

7) Order: Approving purchase of Bulldozer

ORDER AUTHORIZING PURCHASE

WHEREAS, the City of Bath Public Works Department intends to purchase a new bulldozer; and

WHEREAS, the City has gone out to bid for this equipment; and

WHEREAS, the City has received and opened a number of bids relative to the equipment purchase; and

WHEREAS, the most qualified bid was provided by Nortrax, Inc. for a 2021 John Deere 550K LGP at a bid price of \$106,954.00.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the bid price provided by Nortrax, Inc. of \$106,954.00 for the purchase of a 2021 John Deere 550K LGP bulldozer, be and hereby is accepted and the City Manager is authorized to execute any and all documentation necessary to finalize the purchase of the equipment. The funds for this purchase are designated in the City's 2020/2021 Fiscal Year Budget in Landfill Capital Fund account 06-0665-560.

Councilor Park makes motion to put on floor, Councilor Bauer seconds.

Public Works Director Lee Leiner explained how the dozer will be used at the landfill. City Manager Peter Owen states that the past dozer was purchased used due to the fact the life of the landfill.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

8) Order: Approving purchase of Sidewalk Plow

ORDER AUTHORIZING PURCHASE

WHEREAS, the City of Bath Public Works Department intends to purchase a new sidewalk plow; and

WHEREAS, the City has gone out to bid for this equipment; and

WHEREAS, the City has received and opened a number of bids relative to the equipment purchase; and

WHEREAS, the most qualified bid was provided by HP Fairfield, Inc. for a 2021 Trackless MT-7 at a bid price of \$131,126.60.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the bid price provided by HP Fairfield, Inc. of \$131,126.60 for the purchase of a 2021 Trackless MT-7 sidewalk plow, be and hereby is accepted and the City Manager is authorized to execute any and all documentation necessary to finalize the purchase of the equipment. The funds for this purchase are designated in the City's 2020/2021 Fiscal Year Budget in Public Works Capital Fund account 05-0520-533.

Councilor Leonard makes motion to put on floor, Councilor Ambrosino seconds.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

9) Order: Lease Agreement for 2 Town Landing, Suite 101, to Bath Brewing Company

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 BATH BREWING COMPANY, FOR 2 TOWN LANDING, SUITE 101, FOR A PERIOD OF ONE (1) YEAR COMMENCING DECEMBER 1, 2020, AND RUNNING THROUGH NOVEMBER 30, 2021, 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 makes motion to put on floor, Councilor Bauer seconds.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

10) Order: Lease agreement for 2 Town Landing to Kennebec Estuary Land Trust

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 KENNEBEC ESTUARY LAND TRUST, FOR SHARED SPACE AT 2 TOWN LANDING FOR A PERIOD OF ONE (1) YEAR COMMENCING DECEMBER 1, 2020, AND RUNNING THROUGH NOVEMBER 30, 2021, 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 Bailey makes motion to put on floor, Councilor Bauer seconds.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

Madame Chair Eosco asked for motion to enter executive session.
Councilor Ambrosino motioned to enter, seconded by Councilor Leonard

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino
NAYS: None
Passed unanimously, 8-0

EXECUTIVE SESSION 7:37PM

Real Estate Matters per 1 MRSA §405(6)(C)

14) Order: Sale of Water St. Property

Councilor Bauer makes motion to put on floor, Councilor Ambrosino seconds.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino
NAYS: None
Passed unanimously, 8-0

G. Petitions & Communications:

H. City Manager's Report:

City Manager Peter Owen spoke about promoting economic development. The need for a place to sit as an indoor community park. 5000 square feet of space to practice social distancing for approximately 50 people. BIW has agreed to sponsor this space for 6 months.

I. Committee Reports:

Councilor Bailey spoke regarding the Community Development committee. She explained about the JEDI statement and gave a synopsis of what it would entail and to look forward to the final language in December. The Transportation Committee is looking to add more handicapped parking downtown and reducing traffic and parking in the south end. They are also examining a permit parking program for residents.

Councilor Park stated that the Forestry committee is looking for a new member. The Forestry committee wants to remind people to get their trees wrapped. Main Street Bath had their annual meeting. Be Bath Bingo is still happening until November 25th. Old Fashioned Christmas is being worked on. The Morse High School Reuse Committee survey is happening. It can be found on the website.

Councilor DeChant that Economic Development Committee reports that the new indoor community park will have the name Beacon in it and will be opening on Friday. Main Street Bath will be having their early bird days this weekend.

Councilor Ambrosino stated that the Forestry Committee has been busy with redesign of trails and working at Butler Head. The Whistler trail has been redesigned to make it safer.

J. Unfinished Business:

K. New Business:

15) Appointments of Paul Perkins and Laura Walters to Climate Action Commission
Appointment of Connor English term to expire 5/2024 to Bicycle and Pedestrian Committee

Councilor Bailey asks for them to be introduced as a slate.

Councilor Ambrosino makes motion to accept, Councilor Leonard seconds.

Madame Chair Eosco asks for any other nominations, seeing none she asks for a roll call vote.

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed unanimously, 8-0

K. Councilor Announcements:

Councilor Park reminds everyone that the parking ban goes into effect November 15. Councilor Ambrosino reminds that the final leaf pickup is November 16 and 17.

Councilor Bailey states that November newsletter for the Bath Senior Center is out.

Madam Chair Eosco reads an exit letter as she ends her last meeting.

Madame Chair Eosco asked for a motion to adjourn the meeting.

Councilor Bauer motioned to adjourn, seconded by Councilor Ambrosino

ROLL CALL VOTE:

YEAS: Councilors Bailey, Paulhus, Leonard, DeChant, Bauer, Park and Ambrosino

NAYS: None

Passed, 8-0

ADJOURN at 8:27pm

Attest:

Darci L. Wheeler

Darci L. Wheeler, City Clerk