

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, October 6, 2021, 6:00 PM
Regular Meeting

Present: Councilor Ambrosino, Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Vice Chairperson DeChant arrived at 6:40pm, Councilor Bauer, Councilor Dingley, and Chairperson Park.

Also, in attendance, the Interim City Manager, Marc Meyers, City Solicitor, Roger Therriault, and Deputy City Clerk, Maureen Craney

Chairperson Park led the Pledge of Allegiance, Deputy City Clerk Maureen Craney called the Roll.

C: Public Hearing: NONE

D. Consent Agenda 6:07pm

(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.)

*1) Minutes of the Bath City Council Meeting on September 1, 2021 (*Motion to Accept as Presented*)

Motion made by Councilor Ambrosino to accept as presented, seconded by Councilor Paulhus.

VOTE:

YEAS: 7

NAYS: 0

Passed unanimously, 7-0

E. Time Devoted to Residents to Address the City Council: 6:03pm

Richard Kessler of 1080 Washington Street spoke regarding the calming measures needed on Washington Street.

Michael Mason of 1111 Washington street spoke in favor of providing police presence during high traffic hours.

F. Resolutions, Orders and Ordinances 6:10pm

2) **ORDER:** Prepare Election Warrant to notify inhabitants of the City of Bath of the State Referendum Election to be held on Tuesday, November 2, 2021, to vote on 1 Citizen Initiative, 1 Bond Issue and 1 Constitutional Amendment

ORDER

In City Council
October 6, 2021

BE IT HEREBY ORDERED BY THE CITY COUNCIL, AS FOLLOWS:

That, the Notice of State of Maine Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at Bath Middle School, 6 Old Brunswick Road, on Tuesday, November 2, 2021, for the purpose of determining the following questions:

Questions To Be Voted On:

Question 1 – Citizen Initiative
Do you want to ban the construction of high-impact electric transmission lines in the Upper Kennebec Region and to require the Legislature to approve all other such projects anywhere in Maine, both retroactively to 2020, and to require the Legislature, retroactively to 2014, to approve by a two-thirds vote such projects using public land?

Question 2 – Bond Issue
Do you favor a \$100,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit facilities and ports and make other transportation investments, to be used to leverage an estimated \$253,000,000 in federal and other funds?

Question 3 – Constitutional Amendment
Do you favor amending the Constitution of Maine to declare that all individuals have a natural, inherent, and unalienable right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health, and well-being?

Absentee Ballots shall be processed Election Day, 9:00am to 8:00pm at the Bath Middle School, 6 Old Brunswick Road.

The polls shall be opened at 8:00am and closed at 8:00pm.

3) **ORDER:** Prepare Election Warrant to notify inhabitants of the City of Bath of the Municipal Election to be held on Tuesday, November 2, 2021, for City Councilors to be Elected, Ward 2, 3, and 4, 3 Year Terms and Charter Amendment

ORDER

In City Council
October 6, 2021

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 Municipal Candidate/Referendum Election (Wards 1-7) will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being the 2nd day of said month, in the year of our Lord Two Thousand Twenty One, at 8 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

City Councilors to be Elected:

Ward Two	One to be Elected for a three-year term
Ward Three	One to be Elected for a three-year term
Ward Four	One to be Elected for a three-year term

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.

4) **ORDER:** Prepare Election Warrant to notify inhabitants of the City of Bath of the RSU#1, Board of Directors Election held on Tuesday, November 2, 2021, for 2 Unrestricted-Residence Positions

ORDER

In City Council
October 6, 2021

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 RSU #1 School District qualified to vote, said Election will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being the 2nd day of said month, in the year of our Lord Two Thousand Twenty One, at 8 O'clock in the forenoon, then and there, to cast their votes for:

BOARD OF DIRECTORS FOR RSU #1 TO BE ELECTED:

Two (2) Unrestricted-Residence Positions for three-year terms

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.

5) **ORDER:** Registrar of Voters' hours for the November 2, 2021, State Referendum, Municipal and RSU#1, Board of Directors' Elections.

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 8:30am to 12:00pm AND 1:00pm until 4:30pm Monday through Friday prior to the State of Maine Referendum Election, RSU #1 Board of Directors Election, and Municipal Election to be held Tuesday, November 2, 2021, except for Thursday, October 28, 2021, from 4:30pm to 7:00pm at the City Clerk's Office, 55 Front Street.

Voters may register on the Day of the Election from 8:00AM to 8:00PM at the polls at the Bath Middle School, 6 Old Brunswick Road.

Motion made by Councilor Ambrosino to accept Election Orders as a slate, seconded by Councilor Leonard.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Passed unanimously, 7-0

6) **ORDER:** Authorizing purchase of excavator

ORDER AUTHORIZING PURCHASE

WHEREAS, the City of Bath Public Works Department intends to purchase a new excavator; 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 Beauregard Equipment, Inc. for a 2022 Case CX57C at a bid price of \$65,846.00.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the bid price provided by Beauregard Equipment, Inc. of \$65,846.00 for the purchase of a 2022 Case CX57C excavator, 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 2021/2022 Fiscal Year Budget in Sewer Capital Fund account 07-0703-551.

Motion made by Councilor Bauer to accept as presented, seconded by Councilor Paulhus.

Public Works Direct Lee Leiner gave background on need of purchasing a new mini excavator to replace an outdated machine. Councilor Bailey expressed her appreciation for the money that was saved on the purchase.

VOTE ON ORDER:

YEAS: 6

NAYS: 1

Passed, 6-1

7) **ORDER:** Approving sale by bid of 45 Windjammer Way

ORDER APPROVING BID FOR 45 WINDJAMMER WAY

WHEREAS, the City of Bath is the owner of property at 45 Windjammer Way; 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 Theresa Gray in the sum of Five Thousand One Hundred Eighty-Five and 15/100 dollars (\$5,185.15).

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the bid of Theresa Gray 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.

Motion made by Councilor Ambrosino to accept as presented, seconded by Councilor Bauer.

Interim City Manager Marc Meyers spoke regarding the bid process. Councilor Bailey asked for clarification on who was responsible for the demo of the existing property. Mr. Meyers stated that the buyer would be responsible due to being part of the bid process.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Passed unanimously, 7-0

8) **ORDER:** Approving Authorization BIW Tax Increment Financing District Budget (FY 2022)

Motion made by Councilor Bauer to accept as presented, seconded by Councilor Paulhus.

Finance Director Juli Millett stated the amounts and the programs that would be affected by the authorization. Councilor Ambrosino asked about the surplus amount listed. Mrs. Millett stated that the surplus is from the 2021 budget and that the actual does not reflect that yet.

VOTE ON ORDER:

YEAS: 6

NAYS: 1

Passed, 6-1

9) **ORDER:** Approving Authorization Wing Farm TIF District Budget (FY 2022)

Motion made by Councilor Paulhus to accept as presented, seconded by Councilor Leonard.

Finance Director Juli Millett explained the Wing Farm TIF and what projects it covers.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Passed unanimously, 7-0

10) **ORDER:** Approving Authorization Downtown TIF District Budget (FY 2022)

Motion made by Councilor Nordmann to accept as presented, seconded by Councilor Paulhus.

Finance Director Juli Millett stated the significant surplus would hopefully be available to be spent on economic development projects within the Downtown with the passing of the Charter Change Expenditure Limitation.

VOTE ON ORDER:

YEAS: 7

NAYS: 0

Passed unanimously, 7-0

11) **ORDINANCE:** General Assistance Ordinance: Chapter 8A. With Maximums for October 1, 2021, to September 30, 2022 (*first passage*)

Finance Director Juli Millett gave the highlights of the many changes of the Ordinance.

VOTE ON ORDINANCE:

YEAS: Ambrosino, Bailey, Paulhus, Nordmann, Leonard, Bauer and Dingley

NAYS: None

Passed unanimously, 7-0

12) **ORDINANCE:** Approving Fire Captains' Contract (*first passage*)

Motion made by Councilor Leonard to accept as presented, seconded by Councilor Paulhus.

Interim City Manager Marc Meyers explained the contract and what the specifics are. Councilor Ambrosino asked for clarification of this contract versus the previous one. Mr. Meyers explained that this is for the captains. Councilor Bauer asked how many years these are reviewed, and Mr. Meyers responded three.

VOTE ON ORDINANCE:

YEAS: Dingley, Bauer, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed unanimously, 7-0

13) **ORDINANCE:** LUC Map Amendment- 94 Richardson Street (Map 31, Lot 58) (*first passage*)

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

Rezoning of property designated as 94 Richardson Street and further designated as lot 57 on tax map 31. The proposed Land Use Map rezoning is to rezone the existing zoning on the lot from its current C3 Business Park Zoning District to C4 Route 1 Commercial Contract Zoning District.

Motion made by Councilor Nordmann to accept as presented, seconded by Councilor Bailey.

City Planner Ben Averill explained that the change of a C3 to a C4 Zoning District would allow the applicant to operate in the building at 94 Richardson Street as a retail business. Councilor Bailey asked if the 2 proposals are related to one another being that they are across from one another. Mr. Averill explained to Councilor Nordmann that the Planning Board recommends approval from Council. Scott Raymond of Georgetown, the applicant for 94 Richardson Street,

spoke regarding his vision for a high-end meat and cheese provision shop. Richard Kessler of 1080 Washington Street spoke in favor of the applicant.

VOTE ON ORDINANCE:

YEAS: Ambrosino, Bailey, Paulhus, Nordmann, Leonard, DeChant, Bauer, and Dingley

NAYS: None

Passed unanimously, 8-0

14) **ORDINANCE:** LUC Map Amendment- Richardson Street (Map 31, Lot 58) and 136 Western Avenue (Map 31, Lot 59) (*first passage*)

ORDINANCE

WHEREAS, THE CITY COUNCIL OF THE CITY OF BATH, AS PART OF THE ADOPTION OF THE BATH LAND USE CODE ON JULY 19, 2000, EFFECTIVE AUGUST 9, 2000, DEPICTED THE BOUNDARIES OF ALL LAND USE DISTRICTS ON A ZONING MAP OF THE CITY OF BATH, ALSO DATED JULY 19, 2000, INCORPORATED BY REFERENCE INTO THE LAND USE CODE PURSUANT TO THE PROVISIONS OF SECTION 7.02 OF THE SAID CODE, AND

WHEREAS, IT IS NECESSARY AND APPROPRIATE THAT THE BOUNDARIES OF THE LAND USE DISTRICTS BE, FROM TIME TO TIME, ADJUSTED AND AMENDED, IN ORDER TO CREATE NEW DISTRICTS AND ADJUST BOUNDARY LINES OF EXISTING DISTRICTS,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE ZONING MAP OF THE CITY OF BATH, DATED JULY 19, 2000, BE AND HEREBY IS AMENDED IN ACCORDANCE WITH THE SKETCH PLAN ATTACHED HERETO AND MADE A PART HEREOF. THIS CHANGE SHALL BE INCORPORATED INTO AND BE PART OF THE OFFICIAL ZONING MAP OF THE CITY OF BATH. THE SPECIFIC ADJUSTMENT IS:

Rezoning of property designated as Richardson Street and 136 Western Avenue and further designated as lot 58 and 59 on tax map 31. The proposed Land Use Map rezoning is to rezone the existing zoning on the lot from its current C3 Business Park Zoning District to C4 Route 1 Commercial Contract Zoning District.

Motion made by Councilor Bauer to accept as presented, seconded by Councilor Ambrosino.

City Planner Ben Averill explained the background of introducing this Ordinance and its similarities to the previous. He stated that it was reviewed by Planning Board and recommended for Council approval. Councilor Ambrosino asked for clarification of if there was a declared use of property. Mr. Averill stated that he was unaware of any at this time. Councilor Bauer asked for clarification on map.

VOTE ON ORDINANCE:

YEAS: Dingley, Bauer, DeChant, Leonard, Nordmann, Paulhus, Bailey, and Ambrosino

NAYS: None

Passed unanimously, 8-0

G. Petitions & Communications 6:57pm

Councilor DeChant received a letter on September 27, 2021, from Richard Kessler signed by more than 50 signatures regarding speeding on Washington Street. It will be referred to Transportation Committee and Bike and Ped Committee.

H. City Manager's Report 6:59pm

Interim City Manager Marc Meyers reported that the 23rd Citizen Involvement Day will be Saturday October 9th. The second public informational meeting for the Expenditure Limitation Charter Amendment will be Wednesday, October 13th.

I. Committee Reports 7:01pm

Councilor Ambrosino reported that the Forestry committee had their annual meeting.

Councilor DeChant reported that Main Street Bath is holding Autumn Fest on Saturday 10-2 with music, scavenger hunt and scarecrow making.

Councilor Nordmann reported the Winnegance Herring Commission harvest was less due to lake temps being higher. Fishway has been repaired and the Department of Marine Resources will be testing the water quality.

J. Unfinished Business None

K. New Business 7:04pm

15) Reappointment of Andrew Omo term to expire 9/2024 to Planning Board
Reappointment of Pamela Murray term to expire 9/2024 to Zoning Board of Appeals

Motion made by Councilor Ambrosino to accept as slate, seconded by Councilor Bailey.

VOTE:

YEAS: 8

NAYS: 0

Passed unanimously, 8-0

L. Councilor Announcements 7:05pm

Councilor Bailey announced that the October Senior Newsletter is out with highlight of the flu shot clinic.

Councilor Paulhus announced that the Legislature has finalized district maps and that Bath was not affected. The plaque and trees at Governor William King Square have been installed.

EXECUTIVE SESSION:

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

ADJOURN

Councilor Bailey motioned to adjourn at 7:21pm, seconded by Councilor Dingley. All in favor.

Meeting adjourned at 7:21pm.

Attest:

Darci L. Wheeler, City Clerk