

AGENDA

CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting

Wednesday, May 6, 2020 6:00 p.m.
Remote Zoom Meeting due to Covid-19

We encourage your comments and views, and appreciate your participation in your local government.

A. Roll Call

Presentation: Lois Skillings, CEO, Mid Coast Parkview Health and Mid Coast Hospital and Dr. Chris Bowe, Chief Medical Officer, Mid Coast Hospital

Proclamation: Arbor Day, May 19th – May 25th

C. Public Hearing:

1) Ordinance: Sign Ordinance Amendment (*second passage*)

D. Consent Agenda:

(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.)

*2) Minutes of the previous Council meetings of April 1, 2020, April 6, 2020, and April 15, 2020 (*motion to Accept as Presented*) and Item F3

E. Time Devoted to Residents to Address The City Council:

F. Orders, Ordinances and Resolutions:

*3) Order: Appointing City Arborist/Tree Warden (annual appointment)

4) Discussion on Land Use Code Amendment for Section Sec 8.12.H.2.e of the Land Use Code

G. Petitions & Communications:

H. City Manager's Report:

5) Reopening Update due to Covid-19

I. Committee Reports:

J. Unfinished Business:

K. New Business:

6) Reappointment to Bicycle and Pedestrian Committee

L. Councilor Announcements:

Executive Session:

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

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

ADJOURN

PROCLAMATION

ARBOR WEEK

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world (more often as a weekly observance), and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 17th – MAY 23rd AS,

ARBOR WEEK

in the City of Bath, and we urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

FURTHER, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

DATED this 6th day of May 2020

Mari H. Eosco, Madame Chair
City Council of Bath, Maine

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 3. ADVERTISING

Article 2. Signs

Section 3.206 II

Amend to add Neighborhood Commercial District as follows:

II. C2, C5, NC & I Districts.

Add to Section 3.206, the Museum District, as follows:

VI. Museum District.

Total Sign Area: 1.5' per building face plus 2'x 3' for each upper level tenant Number of Signs: 2 per building face Permitted Signs: Parallel Sign, Window Signs, Wall Sign, Projecting Sign, Awning or Canopy, Applied Sign, Multiple sign, and freestanding sign.

Special Conditions:

A. All permitted signs shall be below the second floor level except multiple signs shall be no higher than 6 feet.

B. Maximum area of any individual sign shall not exceed total sign area except that projecting signs shall not be larger than 10 square feet, multiple signs shall be no larger than 44"x18", and freestanding signs shall be no larger than 100 square feet.

C. Each occupant in an upper level of a building may be included in a multiple sign at the entrance to their building. One sign per business above the second floor is permitted and shall be restricted to 2' by 3' in size.

D. No projecting sign shall be mounted above the second story window of a building unless it is determined that from a safety or structural perspective, that no reasonable alternative exists. Design Factors: Surface color, colored light, indirect and tube lighting are permitted. Internally lighted signs are prohibited.

Special Graphics: Banners, flags, time and temperature, sidewalk sandwich signs, bulletin showcase, Iconic, Historic marker, and street number are permitted.

Add to Section 3.206, the School District, as follows:

VII. School District.

Total Sign Area: 3' per building face.

Number of Signs: 4 per building face or occupant.

Permitted Signs: Parallel Sign, Window Signs, Wall Sign, Projecting Sign, Awning or Canopy, Applied Sign, Freestanding Sign, and Multiple Sign.

Special Conditions:

A. Maximum area of any individual sign shall not exceed total sign area. Projecting signs shall be no larger than 100 square feet, and freestanding signs shall be no larger than 200 square feet.

B. No projecting sign shall be mounted above the second story window of a building unless it is determined that from a safety or structural perspective that no reasonable alternative exists.

C. Freestanding signs can be located on property within 500' of the school property, even if that property is in a different zone, if the property is in the same ownership as the school property, or with permission of the property owner.

Design Factors: Surface color, colored light, internal, indirect and tube lighting are permitted.

Special Graphics: Banners, flags, time and temperature, bulletin showcase, Iconic, Historic marker, and street number are permitted.

3.207. Sign Types Prohibited

Amend IV as follows:

IV. Flashing, rotating or animated signs. This includes signs with visible moving, revolving or rotating parts; visible mechanical movement of any description; or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for time-temperature-date signs, ~~and~~ gauges/dials etc. which may be animated to the extent necessary to display correct measurement, and changeable display signs that are changed no more than once a day.

REGULAR MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, April 1st, 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 6:00 PM.

Madame Chair Eosco announced that there would be a change on the 2nd page Item 10. The Reappointments would be first, then the Covid-19 Discussion.

C. Public Hearing:

- 1) Ordinance: Approving Solar Power Contract (*2nd Passage*)

Madame Chair Eosco read the following:

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.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

Law in 21 days.

2) Ordinance: Centre Street Parking Change (2nd Passage)

Madame Chair Eosco read the following:

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 Park to waive reading, seconded by Councilor Ambrosino.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

Motion made by Councilor Bauer, seconded by Councilor Bailey.

ROLL CALL VOTE:

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

NAYS: None

Councilor Park abstained.

Passed unanimously, 7-0

Law in 21 days.

3) Ordinance: Extension of Bus Parking-Washington Street (*2nd Passage*)

Madame Chair Eosco read the following:

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 Leonard, seconded by Councilor Bauer.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

Law in 21 days.

- 4) New Liquor License for Asian Noodle House located at 241 Congress Ave., Ste. 2
(approval)

Madame Chair Eosco read the following:

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

the **LIQUOR LICENSE APPLICATION** FOR:

**Asian Noodle House
241 Congress Ave, Ste 2
Sourasay Senesombath, Contact Person**

SAID PUBLIC HEARING WILL BE HELD ON **WEDNESDAY, APRIL 1ST, 2020 AT 6:04 P.M.** IN THE COUNCIL CHAMBERS, 3RD FLOOR, AT CITY HALL, BATH, MAINE, AND ALL PERSON(S) MAY APPEAR TO SHOW CAUSE WHY SAID APPLICATIONS SHOULD OR SHOULD NOT BE APPROVED.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

5) Ordinance: Sign Ordinance Amendment (*1st Passage*)

Madame Chair Eosco read the following:

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 3. ADVERTISING

Article 2. Signs

Section 3.206 II

Amend to add Neighborhood Commercial District as follows:

II. C2, C5, NC & I Districts.

Add to Section 3.206, the Museum District, as follows:

VI. Museum District.

Total Sign Area: 1.5' per building face plus 2'x 3' for each upper level tenant Number of Signs: 2 per building face Permitted Signs: Parallel Sign, Window Signs, Wall Sign, Projecting Sign, Awning or Canopy, Applied Sign, Multiple sign, and freestanding sign.

Special Conditions:

A. All permitted signs shall be below the second floor level except multiple signs shall be no higher than 6 feet.

B. Maximum area of any individual sign shall not exceed total sign area except that projecting signs shall not be larger than 10 square feet, multiple signs shall be no larger than 44"x18", and freestanding signs shall be no larger than 100 square feet.

C. Each occupant in an upper level of a building may be included in a multiple sign at the entrance to their building. One sign per business above the second floor is permitted and shall be restricted to 2' by 3' in size.

D. No projecting sign shall be mounted above the second story window of a building unless it is determined that from a safety or structural perspective, that no reasonable alternative exists.
Design Factors: Surface color, colored light, indirect and tube lighting are permitted. Internally lighted signs are prohibited.

Special Graphics: Banners, flags, time and temperature, sidewalk sandwich signs, bulletin showcase, Iconic, Historic marker, and street number are permitted.

Add to Section 3.206, the School District, as follows:

VII. School District.

Total Sign Area: 3' per building face.

Number of Signs: 4 per building face or occupant.

Permitted Signs: Parallel Sign, Window Signs, Wall Sign, Projecting Sign, Awning or Canopy, Applied Sign, Freestanding Sign, and Multiple Sign.

Special Conditions:

A. Maximum area of any individual sign shall not exceed total sign area. Projecting signs shall be no larger than 100 square feet, and freestanding signs shall be no larger than 200 square feet.

B. No projecting sign shall be mounted above the second story window of a building unless it is determined that from a safety or structural perspective that no reasonable alternative exists.

C. Freestanding signs can be located on property within 500' of the school property, even if that property is in a different zone, if the property is in the same ownership as the school property, or with permission of the property owner.

Design Factors: Surface color, colored light, internal, indirect and tube lighting are permitted.

Special Graphics: Banners, flags, time and temperature, bulletin showcase, Iconic, Historic marker, and street number are permitted.

3.207. Sign Types Prohibited

Amend IV as follows:

IV. Flashing, rotating or animated signs. This includes signs with visible moving, revolving or rotating parts; visible mechanical movement of any description; or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for time-temperature-date signs, gauges/dials etc. which may be animated to the extent necessary to display correct measurement, and changeable display signs that are changed no more than once a day.

Motion made by Councilor Bauer, seconded by Councilor Bailey.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

2nd passage will be May 6th, 2020 at 6:01pm.

*6) Minutes of the previous Bath Council Meeting of April 1st, 2020, Continuation of April 6th, 2020 and Special Meeting of April 15th, 2020 and Items F7 and F8. *(motion to accept as presented)*

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

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 the City Council:

Steph Stewart of 115 Ridge Road stated that she was interested in results of trapping program. There was not information to share currently.

Seeing no additional comment, Madame Chair closed Public Comment.

F. Ordinances, Orders, and Resolutions:

*7) Order: Exercising the River Herring Fishing Rights at Winnegance Lake to be administered by the Winnegance River Herring Commission as per Harvest Plan.

ORDER

Be It Ordered by the City Council of the City of Bath, Maine, that the River Herring Fishing Rights at Winnegance Lake be operated by the Winnegance River Herring Commission as per Ordinance adopted August 28, 1985, and the municipal rights to take river herring will be sold by the Commission. The Harvest Plan (Condition and Regulations) will be submitted by the Commission setting forth in detail the exact conditions under which river herring may be taken, all in accordance with good conservation practices. This plan will be submitted to the Department of Marine Resources by the Commission with City of Bath approval.

*8) Order: Exercising the River Herring Fishing Rights at Whiskeag Creek to "Rod and Line"

ORDER

Be It Ordered by the City Council of the City of Bath, as follows: that the taking of alewives at Whiskeag Creek will be restricted to "Rod and Line" only.

These orders were passed on the consent agenda.

9) Resolution: CDBG Community Enterprise Grant Application

Madame Chair read the following.

BATH COUNCIL RESOLUTION STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the City of Bath is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

NOW THEREFORE, be it resolved by the Council of the City of Bath that the Town/City Manager (or other local government official or officer):

- 1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine's CDBG Program:

Program: Community Enterprise Grant to assist in greenspace and sidewalk on Castine Avenue

Amount: \$75,000

To the Department of Economic and Community Development on behalf of the City of Bath, substantially in the form presented to this council;

- 2) Is authorized to make assurances on behalf of the City of Bath required as part of such applications, and
- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

DATE ENACTED: _____

Municipal Seal

AUTHORIZED SIGNATURES

Mari Eosco, Madame Chair, Councilor At-Large

Phyllis Bailey, Councilor Ward One

Five

Jennifer Dechant, Councilor Ward

Sean Paulhus, Councilor Ward Two

Susan Bauer, Councilor Ward Six

Terry Nordmann, Councilor Ward Three

Seven

Aaron Park, Councilor Ward

Raye Leonard, Councilor Ward Four

Julie Ambrosino, Councilor At-Large

Motion made by Councilor Bailey, Councilor Ambrosino seconded to put on floor.

Madame Chair introduced Assistant City Manager Marc Meyers to give background of Resolution.

Meeting Interruption

Attest:

Darci L. Wheeler

Darci L. Wheeler, City Clerk

**REGULAR MEETING MINUTES
CONTINUATION OF APRIL 1ST MEETING
City Council of the City of Bath, Maine
Monday, April 6th, 2020 6:00 PM
Remote Zoom Meeting**

Present: Councilor Bailey, Councilor Paulhus excused, 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 6:00 PM.

9) Resolution: CDBG Community Enterprise Grant Application

Madame Chair read the following.

**BATH COUNCIL RESOLUTION
STATE OF MAINE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the City of Bath wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant to carry out a community development program; and

WHEREAS, the planning process required by Maine Law and the CDBG Program have been complied with, including participation in the planning process by low and moderate income families and individuals and the community has conducted at least one duly advertised public hearing; and

WHEREAS, the City of Bath is cognizant of the requirement that should the intended National Objective of the CDBG program not be met all CDBG funds must be repaid to the State of Maine CDBG program; and

NOW THEREFORE, be it resolved by the Council of the City of Bath that the Town/City Manager (or other local government official or officer):

- 1) Is authorized and directed to submit an application for the following program(s) and dollar amount(s) within the State of Maine's CDBG Program:

Program: Community Enterprise Grant to assist in greenspace and sidewalk on Castine Avenue

Amount: \$75,000

To the Department of Economic and Community Development on behalf of the City of Bath, substantially in the form presented to this council;

- 2) Is authorized to make assurances on behalf of the City of Bath required as part of such applications, and
- 3) Is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing and said program(s), consistent with the Charter of the City of Bath and the laws and regulations governing planning and implementation of community development programs in the State of Maine.

DATE ENACTED: _____

Municipal Seal

AUTHORIZED SIGNATURES

Mari Eosco, Madame Chair, Councilor At-Large

Phyllis Bailey, Councilor Ward One

Five

Jennifer Dechant, Councilor Ward

Sean Paulhus, Councilor Ward Two

Susan Bauer, Councilor Ward Six

Terry Nordmann, Councilor Ward Three

Seven

Aaron Park, Councilor Ward

Raye Leonard, Councilor Ward Four

Julie Ambrosino, Councilor At-Large

Councilor Bauer makes motion to put on floor, with a second by Councilor Bailey

Assistant City Manager Marc Meyers gives background of converting the parking lot to green space on Castine Avenue. This Resolution will enable the City to apply for funds.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 7-0

G. Petitions & Communications:

H. City Manager's Report:

City Manager Peter Owen reports that the City of Bath website lists city closures for offices. These are updated as necessary. USDA finalized their trapping program last Monday. There is a scheduled meeting to discuss this week. There will be a press release with a full report in June. Landfill is closed due to CDC Federal and State guidelines, the same as other City offices. The City is looking at Small Business information and help for relief due to Covid-19.

I. Committee Reports:

Councilor Leonard reporting that there was not a Bath Water District meeting this month but expects to meet soon. They also are running at half-staff during this time

Councilor Park stated that Main Street Bath is active in support of businesses in their change of hours

Councilor Bailey expressed that there would be no meetings at this time for the Boards and Committee Review. Applications can still be sent in but the interviews are tabled.

Councilor Bauer reminded everyone that the library has closed as well.

J. Unfinished Business:

Madame Chair Eosco reminded everyone of the change in the order of New Business. The re-appointments would precede the Covid-19 Discussion. She also informed the members of Council that the re-appointments would be made as a slate.

K. New Business:

- 10) Covid-19 Discussion
- 11) Re-appointment to the Transportation Committee
- 12) Re-appointment to the Bath Housing Authority

After asking for any other nominations, Madame Chair Eosco asked for a vote.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 7-0

- 10) Covid-19 Discussion

L. Councilor Announcements:

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

VOTE ON MOTION:

YEAS: 7

NAYS: 0

Passed unanimously, 7-0

Meeting adjourned at 7:24 pm.

Attest:

Darci L. Wheeler

Darci L. Wheeler

City Clerk

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, April 15th, 6:00 pm
Remote Zoom Meeting

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

Also, in attendance, the City Manager, Peter Owen, City Solicitor, Roger Therriault and City Clerk, Darci Wheeler.

City Clerk Wheeler called the Roll.

I. Order approving Bridge Loan Program

Madame Chair Eosco read the following.

ORDER ESTABLISHING
CITY OF BATH ECONOMIC RELIEF BRIDGE PROGRAM

WHEREAS, the COVID-19 Pandemic has caused many small businesses in Bath to be closed as non-essential services or that their businesses be severely curtailed; and

WHEREAS, there is an immediate need for operating capital for these businesses to maintain their viability; and

WHEREAS, the Program is intended to meet immediate financial needs of these small businesses; and

WHEREAS, the Program is intended to supplement State and Federal economic relief programs; and

WHEREAS, it is the intent and goal of the Program to stabilize the local economy and small businesses; and

WHEREAS, the Program provides up to \$300,000 of funding from the revenue acquired by the City from BIW TIF revenues (Account # 15-1505-806), which funds be and hereby are approved; and

WHEREAS, it further provides for one-time loans, subject to forgiveness provisions, of up to \$7,500 per business.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that there is hereby established the City of Bath Economic Relief Bridge Program to provide one-time loans to Bath businesses whose business is affected by the COVID-19 Pandemic, said Program to be generally in accordance with the City of Bath Economic Relief Bridge Program outline attached hereto and made a part hereof.

Councilor Park made motion. Councilor Bailey second.

Assistant City Manager Marc Meyers spoke regarding the order and what it would mean to small businesses that are impacted by Covid-19. Councilor Park expressed how necessary this program is to small business and thanked the support of the City. Councilor DeChant asked Mr. Meyers to clarify why

nonprofits were not allowed to apply for these loans. He explained that nonprofits were not allowed to because if is coming from TIF revenue. City Manager Peter Owen spoke that the dollar amount came from a survey facilitated with Main Street Bath. Councilor Leonard asked if there were any options for nonprofits. Mr. Meyers stated that he did not know of any programs that the City would have funding to do that. There may be other possibilities later.

Madame Chair Eosco asked if there were any public comment. Seeing none, she asks for final council comments.

Councilor Nordmann asked who a business would contact to participate. Mr. Meyers said they could email or call him. Madame Chair Eosco thanked the Economic Development Committee on all their work towards this and expressed how important local shopping is. She then asked for a roll call vote.

VOTE ON MOTION:

YEAS: 7

NAYS: 0

Councilor Park abstained

Passed, 7-0

II. Order approving Mutual Aid Agreement

Madame Chair Eosco read the following.

**ORDER ADOPTING
MUTUAL AID AGREEMENT FOR POLICING SERVICES**

CITY OF BATH/SAGADAHOC COUNTY

WHEREAS, the City of Bath and Sagadahoc County each provide policing services for its constituent populations; and

WHEREAS, there will be occasions when either policing agency requires additional manpower or resources in order to protect the life, property, and safety, and to maintain order and perform other policing services; and

WHEREAS, the need for mutual aid assistance may occur on an emergency basis; and

WHEREAS, this Mutual Aid Agreement provides a framework for how mutual services will be provided and administered.

NOW, THEREFORE, BE IT HEREBY ORDERED by the City Council of the City of Bath that the Mutual Aid Agreement for Policing Services by and between the City of Bath and the County of Sagadahoc be and is hereby approved in the form substantially in accordance with the Agreement attached hereto, and that the City Manager be authorized to execute the Agreement on behalf of the City of Bath.

Councilor Bauer made motion with a second by Councilor Park.

Madame Chair Eosco introduced Chief Michael Field to outline the agreement.

Chief Field expressed the need for the agreement due to the recent Covid-19 crisis in case there is an abundance of officers that become ill.

Councilor Park asked if there would be a need to have a renewal for any reason. Chief Field stated that there is no need for a renewal on a regular basis, only if there were any changes.

Madame Chair Eosco asked if there were any public comment.

Madame Chair asks if there are any final Council comments, seeing none she asks for vote.

VOTE ON MOTION:

YEAS: 8

NAYS: 0

Passed unanimously, 8-0

Madame Chair Eosco introduced the following presentations **6:25pm**

Carrie Kinne representing Good Food for Bath discussed the committee and how they are dealing with food security in the City of Bath. An open group of 15 to 20 people that meets weekly, that focus on local issues, share resources, and identify needs assisting children, families, and seniors.

Chief Lawrence Renaud regarding local emergency management response. He stated that in the 45 days since this began there has been 770 cases and 24 fatalities with Sagadahoc County having 14 known cases. The forecasted number in calls was a 25% increase which would mean 500 calls. Chief and Deputy Chief Cummings along with the department scrambled to make sure they would have the appropriate PPE to be prepared for this. Chief Renaud said that they believe that they are prepared and will stay updated on the daily changes that are occurring.

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

Councilor Nordmann motioned to adjourn, seconded by Councilor Park

VOTE ON MOTION:

YEAS: 8

NAYS: 0

Passed unanimously, 8-0

Meeting adjourned at 7:08 pm.

Attest:

Darci L. Wheeler

Darci L. Wheeler, City Clerk

ORDER

APPOINTING CITY ARBORIST/TREE WARDEN

WHEREAS, the City, through the Forestry Division and Community Forestry Committee, has shown concern with the community forest as a valuable part of the City's infrastructure and,

WHEREAS, State law Title 30A § 3282 provides municipalities the power to appoint a City Arborist/Tree Warden annually and,

WHEREAS, said law gives the Arborist/Warden control of the care of the municipal trees and the power to enforce all laws relating to the preservation of those trees and,

WHEREAS, Bath City Council adopted a forestry ordinance May 7, 1993 and,

WHEREAS, Kyle Rosenberg has worked in the capacity of the City Arborist and has shown his abilities in the care and concern for the City's trees and,

WHEREAS, Kyle Rosenberg is qualified by virtue of his experience, licensure and position as City Arborist/Tree Warden,

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Kyle Rosenberg is hereby appointed as the City Arborist/Tree Warden for one year from this date.

F4

City of Bath

55 Front Street
Bath, Maine 04530

Dept: 207/443-8363
Fax: 207/443-8389



Planning & Development

MEMORANDUM

TO: Mari Eosco, Chair
City Councilors

FROM: Ben Averill, City Planner

DATE: April 29, 2020

RE: Request for land use code amendment

Background

The Neighborhood United Church of Christ is requesting an amendment to the text of the Land Use Code (LUC) to change a portion of Article 8: District Regulations. The applicant requests to modify a portion of the approval criteria within the Historic District related to alternate energy devices within the historic district (Section 8.12.H.e). The amendment would allow for the creation of new language related to the placement of solar panels on structures within the historic district.

Council Action

If the Council determines that the Land Use Code amendment has merit the Council can refer the land use code amendment to the Planning Board for a workshop and public hearing. If the Council determines that the application lacks merit, it will not be referred to the Planning Board and action on the application will cease.

Sam Saltonstall for the Administrative Team and the Joy of Giving Team
The Neighborhood United Church of Christ
798 Washington Street, Bath Maine
sssalty88@gmail.com

Signature: *Samuel S. Saltonstall*

Return form to Planning Dept. - City Hall - Bath, Maine

The Planning Department will place this request for an amendment on the Planning Board agenda as a public hearing (advertised twice; 14 days prior and 7 days prior). You or someone representing you must be present at that hearing to present this request to the Planning Board. The Planning Board will then make a recommendation on the amendment and forward its recommendation to the City Council. The City Council will then take final action on the amendment.

The Neighborhood

798 Washington St., Bath ME

Questions and Answers about the Neighborhood Solar Project

Why do we want to put a grid tied solar solar system on our roof?

We believe we can do our small part to mitigate climate change with this effort. We would like to use electricity generated from the sun to power almost all of our electrical needs. This will get us off of fossil fuels except for cooking and hot water heating, for which we will still use propane. It will save us around \$1,800 in annual electricity costs. Our South and West facing roofs are unshaded. The shingles are in good condition.

How much will the system cost?

\$24,882. There is no tax on the purchase because we are a nonprofit.

Have we been fundraising for this project?

Yes. But first, over a period of two years, we raised money to pay for an energy audit, a roof repair, a do it yourself attic insulation project and a new heat pump. These items totaled about \$7,000, all of which was raised from generous donations, plant sales, concerts and other events, including our annual silent auction, which has brought in up to \$3,000 each year. Since the completion of the above projects, we have raised an additional \$7,600 towards the solar project.

Why are we going with four lenders?

Paying the upfront solar cost in cash is impossible for our small church. The amount we are financing at 3% is a little over \$17,000. Because the new tax law makes tax deductions from charitable contributions unlikely for most people, loans seemed like a more viable way to go than seeking additional gifts. With 4 lenders involved, the burden of making the loans will be shared.

How would the loans work?

Each of the 4 lenders will provide \$4,300 and change. The church leadership will sign promissory notes for each of the loans. Repayment will happen annually every 12 months over 5 years, with the first repayment coming one year after the system was activated. This will enable the church to put around \$1,800 in electricity savings towards loan repayment each year.

Will this project complicate things for our planned Little Eden Park?

No! The solar project will be completed before the landscaping. The funding for Little Eden Park will not be touched for the solar. The panels on our rooftop will be an eyecatching compliment to the grasses, shrubs, trees and paths underneath.

SOLAR PROPOSAL FROM MAINE SOLAR SOLUTIONS

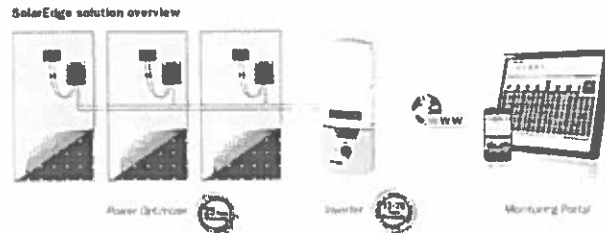
Inverter Technology:

The primary function of the inverter is to convert the DC power produced from solar panels to AC power that matches the power delivered by your utility. Maine Solar specifies SolarEdge DC-optimizer based inverter systems and string inverter based systems from leading manufacturers.

SolarEdge String Inverters with SolarEdge DC Optimizers

Each panel has a dedicated DC power optimizer installed behind it on the mounting rail. These optimizers are tied to a central inverter. Each panel is able to produce maximum energy regardless of the performance of adjoining panels. The negative impact of intermittent shading by trees or obstructions does not impact the energy production of unshaded panels.

The SolarEdge system can be used with a wide range of panel wattages and panel sizes.



Thank you for the opportunity to present this revised proposal for a solar electric system for the Church.

We take a consultative approach when working with our customers: Our goal is to provide you with the information that you need to make an informed decision. We welcome your feedback and questions regarding pricing and specification. We are happy to revise your proposal so that we can present a solution that meets your budget and your renewable energy goals.

Array Location

This proposal is based on an array mounted on the churches roof. There are two roof surfaces that are well oriented for solar on this building. The primary roof faces 165° S and will fit up to 18 large format solar panels. The west roof is oriented at 255° and can fit up to 17 large format panels. Both roof surfaces have a 35 roof pitch.



Array Sizing

We typically suggest a solar system sized to offset 90% to 100% of your annual electricity usage. Based on the information you provided your annual electricity consumption is 8,874 kwh/year.

Shifting fossil fuel use with your new heat pump

The average annual electricity usage for a 15,000 btu heat pump in northern new England is 3500 kwh.

We have presented two different sized solar electric systems below. One designed to offset your base electricity usage. The other assumes an additional 3,500 kwh/year for heat pump consumption.

A grid tied, net metered system

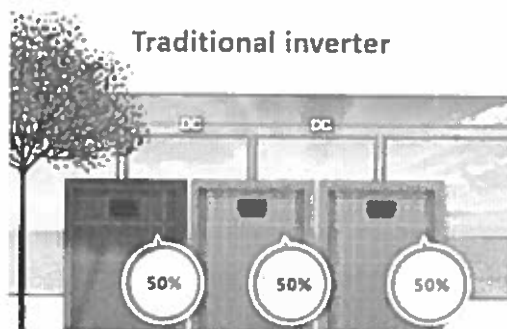
Under current utility regulations this system is considered a grid tied, net metered system. Electricity produced by the solar system in excess of your electrical loads, will be credited against electricity you buy from the utility during periods of low production or higher consumption. Any excess kWhs that accumulate at the end of a billing period are credited towards months where utility consumption exceeds solar electric production. CMP's fixed monthly flat delivery charge is billed regardless of solar power produced or credited.

Net metering customers are charged only for the "net" power that they use. Excess kwh credits that accumulate at the end of a billing period are credited on a rolling 12-month basis and expire at the end of their 12-month period.

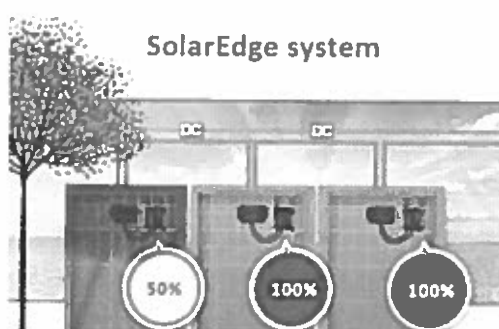


Panel Level Monitoring

SolarEdge offers detailed, web and app based monitoring. The entire array and each panel's status and production is available to view and review via included monitoring software. Every optimizer and its associated solar panel is monitored and managed on the web. Monitoring provides real-time performance information, historical energy production, error logging, and notification of system status to the installer and homeowner, via an intuitive graphical interface.



Traditional inverter



SolarEdge system

Featured System Design & Configuration:

Panel Specifications:

- 395 watt Q-Cell US/Asia (15 year workmanship, 25 year power output warranty)

The Q-Cell large format solar panels provide a good value – a high wattage panel at a competitive price.

Inverter Specifications

- SolarEdge string inverters (12 year warranty)
 - Includes Revenue Grade Meter & System Monitoring
- SolarEdge Optimizer, 1 per panel (25 year)

Maine Solar Solutions installation warranty: 10 years

Fixed cost proposal includes:

Balance of system components and labor

- Installation labor, balance of system materials to ensure a safe, code compliant installation
- Aluminum roof mount rack
- Asphalt roof specific flashed attachment points to ensure a leak proof installation
- Installation of a "line side tap" to ensure compatibility with a larger inverter or generator installation(tbd).
- Installation of AC surge protection device
- Assistance with all required paperwork, utility and permitting
- \$100 CMP interconnection application fee
- Permit and engineering fees as required

See system specifications and cost on next page.

Panel Manufacturer	Q-Cell 395 Watt Standard Frame
Array Size	10.27 kW Array
Number of Panels	26
Size of Inverter	SolarEdge SE10000H DC-Optimizer
Modeled annual output	12,088 kWh/yr
2019 Electrical Consumption	12,791 kWh/yr
Estimated annual offset	95%
Total System Cost	\$24,882
Cost Per Watt	\$2.42

Note: Pricing does not include sales tax under the assumption that the system owner will be non taxable entity not subject to Maine sales tax. A sales tax exemption form will need to be provided.

There is room for up to 35 panels on the South and West facing roof surfaces. The inverter specified is sized to allow for up to 35 395 watt solar panels.

Spreadsheet Describing the Specifics of the Borrowing Plan

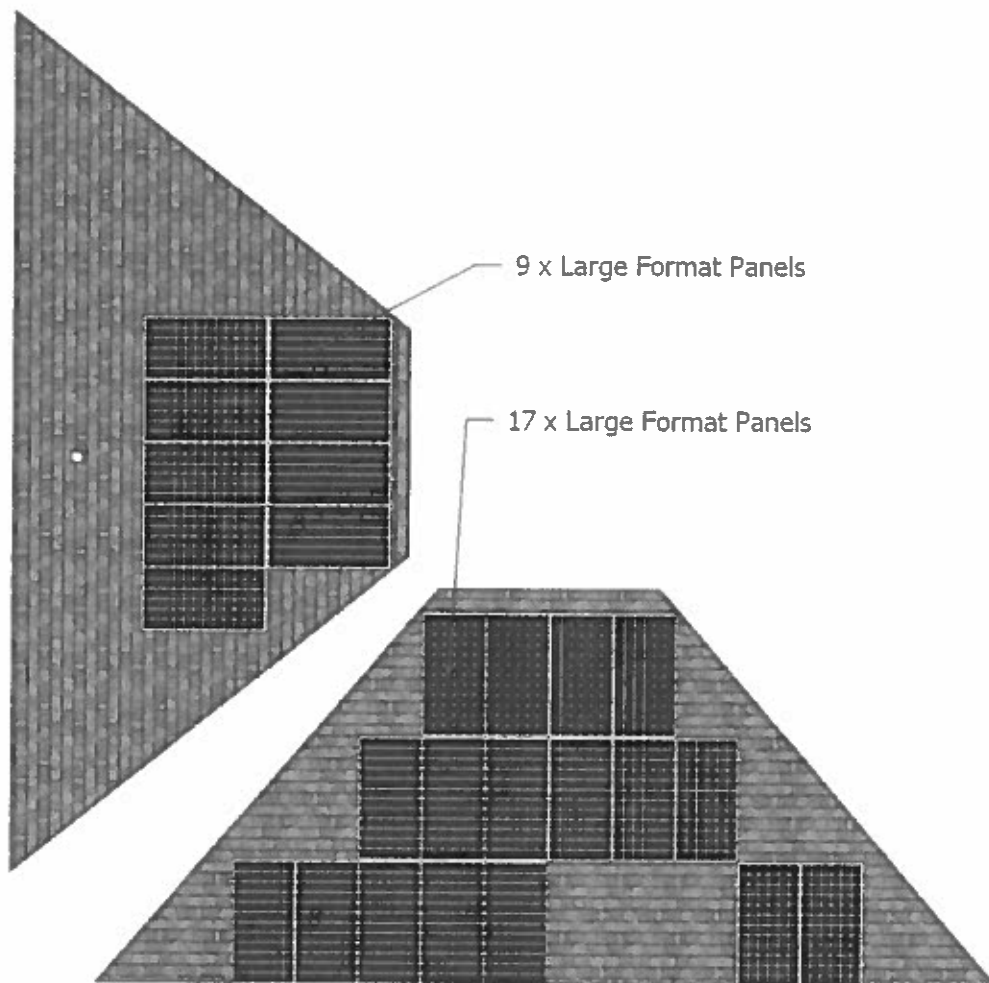
SOLAR LOAN MATH & RELATED INFO		UPDATED 3/4/20
Item	Amt	Notes
Rooftop solar installation cost:	\$24,882.00	Maine Solar Solutions would be the provider. They submitted their proposal on Feb. 28th. We have 30 days to sign and provide 1/3 of the cost. One third more at start of installation and one third at conclusion.
Already raised from various events and contributions following heat pump installation:	\$3,126.21	This is an approximate number - I believe it's a little larger.
Balance needed to finance:	\$21,755.79	Proposed terms: a 5 year loan at 3% interest. For simplicity's sake, loan repayments would be made once annually, beginning 12 months after the solar system installed.
Total loan cost to church:	\$23,752.35	\$4750.47 X 5 loans. The loans would cost the church a total of \$1,996.55 in interest, about 8% of the total solar system cost. The loan would be made by five individuals each contributing \$4,351.18.
Electricity savings @ \$1800 per year X 5 yrs:	\$9,000.00	The current Church budget allocates \$2,000 annually for electricity. The solar proposal estimates c. 95% of our electricity use in an average year will be provided by the solar panels. But there will still be CMP bills to pay for juice, transmission and delivery.
Additional amt. over electricity savings we need to raise to pay back loan:	\$14,752.35	This money is not in the church budget. So to apportion the amount we need to raise each year through fundraisers or special contributions evenly over the 5 year payback, each year we will need to raise \$2,950.
Assuming above:		
If five folks provide the loan in equal shares, they would each have to lend:	\$4,351.18	B-8 divided by 5
and each would receive back in loan payments by the end of 5 years:	\$4,750.47	\$399.31 of this is reportable interest.
The yearly payments due each of the 5 lenders every May would be:	\$950.10	This number is from the amortization schedule.

Here is a picture of our building.

It was originally an auto supply store, then a garage, then an art gallery, and then a steakhouse, for which they added the mansard roof.



Here is the layout for the panels on our West and South facing roofs:



**This is the front of the building, oriented to the South.
The two empty panel spaces in the bottom row are over the entry door
where we hope less snow will slide down the roof all at once.**

**Please contact Sam Saltonstall with your questions or for more information:
207-838-9843 sssalty88@gmail.com**

OFFICE USE ONLY Check for \$275.00 _____ Project Number: _____

**CITY OF BATH PLANNING DEPARTMENT (207) 443-8363
APPLICATION FOR LAND USE CODE AMENDMENT**

To: The City Council and the Planning Board of Bath, Maine

Date: 4/27/2020

Name: Sam Saltonstall

Telephone #: 838-9843

Address: 38 Harding Road, Brunswick, ME 04011

This is a request for an amendment of the text of the Land Use Code of the City of Bath, Maine.

Please describe in detail the proposed addition or deletion and refer specifically to the relevant code article, section and paragraph.

Section 8.12 of the Land Use Code describes its purpose as follows:

It is the purpose of the Historic Overlay District to provide for the review of certain activities within this historic part of the City in order to prevent inappropriate alterations to buildings of historic or architectural value, to preserve the essential character of historic neighborhoods, and to ensure that new buildings or structures constructed in areas of architectural or historical significance are designed and built in a manner compatible with the character of the neighborhood.

We believe that our building has no particular "historic or architectural value" and that the installation of dark colored solar panels on the planes of our South and West facing roofs would not damage the essential character of the Historic Overlay Zone. We believe that given the urgent need to move to renewable sources of energy, the use of solar panels is appropriate on non-historic buildings where visibility of the panels from a public way is impossible to avoid.

Therefore, we of The Neighborhood United Church of Christ located at 798 Washington Street propose changes to Section 8.12.H.e of the Land Use Code (top of p. 21), which currently reads:

(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.

The language here is unnecessarily restrictive because:

- If the Code specified different regulations for "contributing" versus "non-contributing" buildings, surely our building (once a service station that became a steakhouse before it became a house of worship) would be identified as "non-contributing" (lacking in historic significance). But without undertaking an expensive and perhaps unpopular survey of buildings in the historic overlay zone, *some degree of flexibility regarding solar installations should be created in the Code language.*
- The current language lumps visually intrusive, potentially noisy mechanical devices like wind generators with benign solar panels which can be mounted just inches above and on the same plane as the roof surface of a building.
- Since 2007 when the Code was adopted, 13 years have passed. Science informs us in the meantime that we face a climate crisis which threatens the resilience of our community. We have but a decade to cut greenhouse gas emissions world-wide by around half to preserve a livable world for our children and grandchildren. By 2050 we need to be off of fossil fuels entirely. Obviously, local communities like Bath must work to engineer a rapid transition to renewable sources of energy along with everyone else.
- Maine's Climate Council is working on a plan to reduce the State's emissions by 45 percent below 1990 levels by 2030. The City of Bath updated its Climate Action Plan in 2019 and is investigating a major solar project to source its electricity use. It should and can also be supportive of projects proposed by residents, local institutions and businesses *even in the historic district, where restrictions for solar installations can still be laid out that protect the integrity of historic structures.*

For the above reasons, we propose modifying the language in Section 8.12.H.e to allow greater flexibility in regard to the installation of solar panels in the historic overlay zone. Other towns and cities are moving in this direction too. New London, Connecticut is one example. Topsham's language is more flexible than Bath's, but in our opinion could still be improved upon.

Recognizing that the Planning Board will create the language of any proposed Land Use Code change, the following may serve as a starting point for your consideration of our request:

The installation of photovoltaic solar panels on historic buildings is permissible in the Historic Overlay Zone if the solar panels are not visible from the street. On non-historic buildings in the Zone, it is permissible for solar panels to be visible from the street, but they must be mounted on the roof and on the same plane as the roof.

The current language regarding wind generators is not problematic for us.

Thank you for considering our strong belief that amended language regarding solar installations in the Historic Overlay Zone is warranted.



Rec'd 4/24/2020

K6

City of Bath
Application for Appointment
to City Board/Commission/Committee

Full Name: Kevin Shute

Street Address: 65 Mechanic St.

I live in Council Ward # (circle one) 1 2 3 4 5 6 7

Phone #: 207-522-1511 E-mail address Kshute53@gmail.com

Preferred Method of Contact? (circle one) phone email

I wish to be considered for appointment to the:

Bicycle and Pedestrian Committee
(Name of Board/Commission/Committee)

Please outline past and present expertise/skills/employment that you think may be relevant (Resumes are welcome):

I have been a of the committee since it began in 2008.

Why do you want to be a member of this Board/Commission/Committee?

Committed advocate for biking and walking

Have you ever served on a City Board/Commission/Committee? (circle one)

Y

N

If yes, please list the Board/Commission/Committee and years of service:

Bike/Ped Committee
Transportation Committee

How many months are you away from Bath in a 12-month period?

1-2

April 20, 2020 Ken Shute

Date

Signature

Please return form to: City Clerk's Office, 55 Front Street, Bath, ME 04530

FOR USE BY CITY CLERK'S DEPARTMENT:

Date application received: 4/24/2020

Received by: DFW

Date interviewed by Appointment Review Committee: N/A

Date application on City Council agenda: 5/6/2020

Date appointed by City Council:

Date applicant notified by City Clerk's office:

Date applicant sworn in:

Term to begin:

Term to expire: