AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting
Wednesday, April 7, 2021 6:00 p.m.
Remote Meeting

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

A. Pledge of Allegiance

B. Roll Call

Presentation of City Chair and Proclamation to Mari Huotari Eosco for 13 years and 9 months of dedicated service on the Bath City Council.

C. Public Hearing:

1) Ordinance: Approving Firefighters' Contract *(2nd 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 Bath Council Meeting of March 3, 2021 and Special Meeting of March 17, 2021. *(motion to accept as presented)*

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

F. Ordinances, Orders, and Resolutions:

3) Order: Complete Streets Policy
4) Ordinance: Outdoor Wood Boiler Ordinance Amendment *(1st Passage)*
5) Ordinance: Chapter 17, Article 6, 17-260 Municipal Parking Lots Amendment *(1st Passage)*
6) Resolution: Castine Avenue Permit Lot Parking Fees

G. Petitions & Communications:

H. City Manager's Report:

I. Committee Reports:

J. Unfinished Business:

K. New Business:

L. Councilor Announcements:

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

ADJOURN

PROCLAMATION

WHEREAS, Mari Huotari Eosco, was born in Bath, the daughter of the late Raymond and Martha Huotari, and stepdaughter of the late Arthur Mayo.

WHEREAS, Mari attended Huse Memorial School, Bath Jr. High and Morse High School graduating in 1991. She graduated with the class of 1996 from University of Maine and became a certified Montessori educator in 1998.

WHEREAS, Mari was dedicated to championing downtown Bath, serving as Main Street Bath Director, leading Heritage Days among other events. She chaired the Great American Main Street Award Committee, a prestigious award won by the City in 2012. She was council representative for the Bath Development Corporation, Bath Housing Authority Board of Directors, Economic Development Committee, Facilities Committee, Great American Main Street Committee, Main Street Bath Board of Directors, Maine Municipal Association Legislative Policy committee, Midcoast Council of Governments, Morse High School, Student Community Liaison Committee, Solid Waste Advisory Committee, Recognition Committee, Transportation Committee, Welfare Receive Board and supported the development of Climate Action Commission.

WHEREAS, Mari traveled to Japan in support of Bath's sister city relationship with Tsugaru, Japan. She also traveled to Washington, D.C. with Maine Municipal Association to advocate for Bath and other municipalities.

WHEREAS, Mari was involved with numerous organization in the City, including Main Street Bath, Bath Tsugaru Sister City Program, Chocolate Church Arts Center, Cub Scouts and Sagadahoc Preservation Inc. While being involved in many things, Mari's most important accomplishment are raising her two children.

WHEREAS, Mari served 13 years and 9 months on the Bath City Council as City Councilor Ward 5, City Councilor At-Large 2018-2020 and as the first woman chairperson from 2013 until 2020.

NOW THEREFORE BE IT PROCLAIMED that the City of Bath wishes to express their appreciation to Mari Huotari Eosco and with the thanks of a grateful community, to recognize this dedicated and long-serving **Councilor** for her solid commitment to the citizenry of the community.

Dated this 7th day of April 2021.

_____

Aaron Park, Chairperson
Bath City Council

C1

ORDINANCE APPROVING CONTRACT

Professional Fire Fighters of Bath, IAFF Local 1611

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, A BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE PROFESSIONAL FIRE FIGHTERS OF BATH, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1611, COMMENCING JULY 1, 2019, AND EXTENDING THROUGH JUNE 30, 2022. A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

D2

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE

Wednesday, March 3rd, 2021 6:00 PM
Remote Meeting

Present: Councilor Ambrosino, Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Vice Chairperson DeChant arrived at 6:05, Councilor Bauer, Councilor Dingley and Chairperson Park.

Also, in attendance, the City Manager, Peter Owen, City Solicitor, Roger Therriault, City Clerk, Darci Wheeler, Assistant City Manager, Marc Meyers, City Planner, Ben Averill, Public Works Director, Lee Leiner, City Assessor Brenda Cummings.

Chairperson Park led the Pledge of Allegiance, City Clerk Darci Wheeler called the Roll.

C: Public Hearing 6:03pm:

1) Ordinance: Contract Rezoning at 8 State Road *(second passage)*

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:

Amend Article 16, by adding Section 16.30, as follows:

SECTION 16.30 8 STATE ROAD CONTRACT ZONE, NUMBER 2

District Designation

The property designated for contract rezoning is the property located on State Road, being identified as Lot 65, on City of Bath Tax Map 31 dated April 1, 2018.

Findings

The property is located in the Route 1 Commercial Contract Zone (C-4) Zoning District. The City Council makes the following additional findings:

1. Contract Rezoning is allowed in the Route 1 Commercial Contract Zone
2. The project consists of proposed approximately 3,800 sq. ft. structure along the 1.1 acre parcel. The proposed structure and associated infrastructure will be utilized as

a car wash, with drive through bays which is an allowed use in the C-4 Zoning District

3. Contract rezoning is allowed on the parcel per section 8.10 (D) of the Land Use Code.

4. Without the creation of a contract zone, the minimum yard area is 20 feet from the side, front, and rear of the parcel. The parking lot and dumpster enclosure is proposed to be constructed in the yard area, necessitating contract zoning.

5. Without the creation of a contract zone, the minimum rear setback is 30 feet from the rear lot line. The structure is proposed to be constructed within 30 feet from the rear lot line, necessitating contract zoning.

6. The rezoning of the parcel is consistent with the Comprehensive Plan of the City of Bath.

7. The project is consistent with the mandatory conditions set forth in Land Use Code Section 18.20 paragraph D, 1.

8. The applicant is proposing the following voluntary, Discretionary Conditions in exchange for Contract Rezoning:

    - Work to meet the City's goal of increased pedestrian access to services by installing a sidewalk along the property to connect with future expected development.
    - In addition to applicable zoning requirements the applicant will incorporate additional lighting along the front of the property to enhance the site.
    - Install a catch basin and related improvements to assist in stormwater management both on and offsite.
    - Improve the appearance of the State Road gateway with enhanced lighting and landscaping.

Zoning Provision Affected

This contract zoning amendment is intended to relax the minimum setback and yard area requirements pursuant to Section 8.10 of the Land Use Code, by allowing the construction of the structures and other site improvements depicted on the Site Plan approved, with conditions, by the Bath Planning Board on January 5, 2021.

This contract zone is intended to relax the following space and bulk standards of the Route 1 Commercial Contract Zoning District (C-4):

1. Minimum Rear Setback (reduce the requirements from 30 feet to 20 feet, as depicted on the approved site plan).

2. Minimum Front, Rear, and Side Yard Areas (reduce the requirement from 20 feet to 10 feet, as depicted on the approved site plan).

Conditions of Approval

This Contract Rezoning Ordinance requires full and complete compliance with all conditions of approval, which are part of the Site Plan approval, granted to Trademark Properties, LLC, by the Bath Planning Board on January 5, 2021 including the following conditions:

- The applicant receives City of Bath City Council approval of contract rezoning
- The applicant obtains an easement for the private sewer line from the City of Bath

Motion made by Councilor Ambrosino to waive second reading, seconded by Councilor Bauer

ROLL CALL VOTE:

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

NAYS: None

Passed, 7-0

City Planner Ben Averill spoke regarding the Ordinance. A rezoning request to allow the creation of a car wash on the site.

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

Councilor Nordmann expresses his appreciation of a sidewalk being created. Councilor Bauer agrees.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

Law in 21 days

2) Ordinance: Chapter 15 Streets – Article 4, Street Addressing Ordinance *(second passage)*

ARTICLE 4. STREET ADDRESSING ORDINANCE (12/02/1998)

Section 15-404. Naming Standards.

H. Exemption from Numbering Criteria for Public Buildings on Single-Purpose Streets

Property serving a public non-profit purpose(s), and designated as tax-exempt by the Assessor, with a building[s] served by a street developed solely for access to the property and not providing access to any other property, may be numbered without strict application of the numbering criteria in this section, as long as the Assessor determines that the following conditions are met:

1. The assignment of an alternate street number satisfies the overriding purpose of this Street Addressing Ordinance to provide for the rapid and accurate location of properties and structures in order to provide emergency response, as set forth in Section 15-401 of this Ordinance, and that the numbering of the structure/property clearly locates the property without ambiguity or confusion.
2. The Property Owner shall document the exemption to this Ordinance from requirements in Section 15-405 and a notarized statement to that effect shall be recorded in the Sagadahoc County Registry of Deeds, clearly identifying the parcel by Book and Page, address, and Property Owner at the time of the exemption. A copy of this document shall be permanently retained in the Assessor's Records.

Any exemption issued under this Section shall be based on the conditions that exist at the time the exemption is issued. Any change in the conditions that give rise to the exemption will cause the exemption to be reexamined and redetermined to confirm that the property/structure(s) continue to be eligible for the exemption, and will not create any circumstances that would create confusion or an inability to accurately locate properties and structures for the purpose of providing emergency response.

Motion made by Councilor Ambrosino to waive second reading, seconded by Councilor Bauer

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

Motion made by Councilor Leonard to accept as presented, seconded by Councilor DeChant

City Assessor, Brenda Cummings reminded everyone that this ordinance is due to the address at the new Morse High School retaining their existing street number. Councilor Nordmann questioned the importance of this. Councilor Leonard explained the importance of the 826 number to the students and alumni of Morse High School. Conversation also entailed the involvement of the State of Maine approving this request as well.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

Law in 21 days

D. Consent Agenda 6:26pm

(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 Regular Meeting of February 3, 2021 and Items F4 and F5(Motion to Accept as Presented)

Motion made by Councilor Bauer to accept as presented, seconded by Councilor DeChant

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

E. Time Devoted to Residents to Address the City Council: 6:28pm NONE

F. Ordinances, Resolutions and Orders 6:29pm

*4) Order: Exercising the River Herring fishing rights at Winnegance Lake to be administered by the Winnegance River Herring Commission as per Harvest Plan.

*5) Order: Exercising the River Herring fishing rights at Whiskeag Creek to "Rod and Line"

6) Order: To approve bid and contract with Hagar Enterprises for 2021 street paving project

Motion made by Councilor Bailey to accept as presented, seconded by Councilor Ambrosino

Public Works Director, Lee Leiner explained what streets would be affected. Councilor Bauer asked for clarification on how streets are decided for this process. Mr. Leiner stated that streets are determined according to other work that may need to be done.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

G Petitions & Communications NONE

H. City Manager's Report 6:37pm
City Manager, Peter Owen, spoke regarding Maine Medical Center Division of EMS recognizing three City of Bath Firefighters/EMTs for their work during a crane accident at BIW.

I. Committee Reports 6:39pm

Councilor Bauer reports that the Economic Development Committee is meeting next week to work on an aggressive work plan. The Facilities Committee met last week. Parks and Recreation received a matching grant for some work on bathrooms and changing rooms at McMann Field.

Councilor Leonard reported that the Rabies Ad hoc Committee has met in January and February. Their primary goal is to reduce rabies and not eliminating wildlife.

Councilor Bailey reported that the Transportation committee did not meet in February but there was a workshop regarding residential permit parking that can be viewed on BCTV. Community Development Committee is moving forward with examining short term rentals.

Councilor DeChant states the Economic Development Committee heard from Bath Housing had a great presentation that can be seen on their website.

Councilor Nordmann reported that the Winnegance Herring Commission is looking for a grant to help with the erosion at their site and thanked the Manager's Office for helping him with a letter of support.

Councilor Ambrosino stated that the Forestry Committee is still looking at options for their ADA trails. The Climate Action Committee is setting their framework for their role in decisions to come.

Councilor Dingley reports that the SWAC met and a lot of talk regarding compost and how to get the word out to the residents.

Chairperson Park stressed how hard Main Street Bath has been working.

J. Unfinished Business NONE

K. New Business NONE

L. Councilor Announcements

Councilor Bailey announced that the Age Friendly Communities of the Lower Kennebec are working on an action plan. Partner with People Plus to bring volunteer drivers to Bath. Midcoast Health had contacted the Senior Center for helping homebound residents for vaccinations.

Councilor Bauer announced that Chewonki has their "lambcam" operating during lambing season. You can view at chewonki.org.

Councilor Paulhus announced that there is a legislature meeting on March 10 and 11th.

Chairperson Park announced that Midcoast Community Alliance has begun a grant process. Maine State Housing Authority Rental Relief program starts May 1st.

EXECUTIVE SESSION:
Discuss Personnel Matter per 1 MRSA §405(6)(A)

Chairperson Park asked for a motion to enter Executive Session at 7:00pm.

Councilor Ambrosino motioned, seconded by Councilor Leonard.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

Councilor Leonard motioned to enter Regular Session at 7:47pm, seconded by Councilor Bailey.

Chairperson Park asked for a motion to adjourn the meeting.

Councilor Ambrosino motioned to adjourn, seconded by Councilor Bailey.

ROLL CALL VOTE:

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

NAYS: None

Passed, 7-0

Meeting adjourned at 7:49pm.

Attest:
Darci L. Wheeler,City Clerk

SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, March 17th, 6:00 pm
Remote Zoom Meeting

Present: Councilors Ambrosino, Bailey, Paulhus, Nordmann, Leonard arrived at 6:04pm, DeChant, Bauer, Dingley, and Chairperson Park

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 Bid and Contract: Oak Grove Avenue and Judkins Avenue Sidewalk

Chairperson Park read the following.

ORDER

APPROVING BID AND CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT A CONTRACT BY AND BETWEEN THE CITY OF BATH AND PRATT AND SONS, INC. FOR THE OAK GROVE AVENUE, JUDKINS AVENUE, AND OLD BRUNSWICK ROAD SIDEWALK PROJECT IN THE AMOUNT OF $872,107.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND PRATT AND SONS, INC. IS HEREBY AUTHORIZED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY, APPROPRIATE, OR CONVENIENT TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THIS PROJECT IS FUNDED FROM CITY CAPITAL (FUND 5) ACCOUNT 05-0520-732.

Councilor Bailey made motion. Councilor Ambrosino second.

Public Works Director, Lee Leiner gave an update as to where the paving would take place.

Councilor Bauer asked if these were new sidewalks, with Mr. Leiner agreeing.

Councilor DeChant asked if there is a list or clarification on how projects are chosen. Mr. Leiner with the help of City Manager Peter Owen explained. There will be a public meeting on March 25th.

Chairperson Park asked if there were any public comment. Seeing none, he asks for final council comments.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

Chairperson Park commented that there will be an Executive Session regarding a Real Estate Matter

II. Ordinance – Approving Firefighters' Contract (first passage)

Chairperson Park read the following.

ORDINANCE APPROVING CONTRACT

Professional Fire Fighters of Bath, IAFF Local 1611

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, A BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE PROFESSIONAL FIRE FIGHTERS OF BATH, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1611, COMMENCING JULY 1, 2019, AND EXTENDING THROUGH JUNE 30, 2022. A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

Councilor Bauer made motion with a second by Councilor DeChant to put on floor.

City Manager Peter Owen asks for approval from Council to support the contract for firefighters only.

Councilor Bailey asks numbers of women and people of color. Also, mentions the provision of using sick leave for family caregiving.

Councilor Ambrosino asks for clarification on how many years each contract is. Mr. Owen responds.

Chairperson Park asked if there were any public comment.

Chairperson Park asks if there are any final Council comments, seeing none he asks for vote.

ROLL CALL VOTE:

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

NAYS: NONE

Passed unanimously, 8-0

Chairperson Park asked for a motion to enter into Executive Session at 6:16pm regarding Real Estate.

Councilor Ambrosino motioned to enter Executive Session, seconded by Councilor DeChant.

ROLL CALL VOTE:

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

NAYS: None

Passed unanimously, 8-0

Chairperson Park asked for a motion to move into the Workshop.

Councilor Ambrosino motioned, seconded by Councilor Bauer.

ROLL CALL VOTE:

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

NAYS: None

Passed, 7-0

Meeting adjourned at 6:42pm.

Attest:

Darci L. Wheeler
Darci L. Wheeler, City Clerk

F3

City of Bath

55 Front Street
Bath, Maine 04530

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

Planning & Development

MEMORANDUM

TO: Aaron Park, Chair, and City of Bath City Council members

FROM: Ben Averill, City Planner

DATE: March 31, 2021

RE: Complete Streets Policy

Background

The Bicycle and Pedestrian Committee has been working with City staff to draft a Complete Streets Policy that would help the City "Plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of all users". This policy would help formalize a practice that staff have incorporated into publicly funded transportation projects over the last several years to ensure that users of all modes of transportation are incorporated in the design of new transportation projects. Projects that will be subject to the policy include new construction, reconstruction and rehabilitation projects. There are several exemptions to the policy including ordinary maintenance paving projects if pavement width would need to be widened, street reconstruction projects that require more space to widen than necessary or where cost would be prohibitive, and ordinary maintenance including street sweeping and snowplowing.

The Bicycle and Pedestrian Committee, Transportation Committee, and City Staff have reviewed the policy and recommend that the City Council adopt the policy. As mentioned this will formalize and codify actions that staff are already implementing into local transportation projects and will ensure that the future transportation projects are designed and constructed to meet the needs of all users of the city's transportation network.

Council Action

If the Council determines that the Order to adopt a Complete Streets Policy has merit the council can vote to adopt the policy. If the Council determines that the request lacks merit action will cease.

COMPLETE STREETS POLICY

Vision

Promoting pedestrian, bicycle, and public transportation travel reduces negative environmental impacts, promotes healthy living, advances the well-being of travelers, supports the goal of compact development, and meets the needs of the diverse populations that comprise our communities. The vision of the City of Bath is of a community in which all residents and visitors, regardless of their age, ability, or financial resources, can safely and efficiently use the public right-of-way to meet their transportation needs regardless of their preferred mode of travel.

Policy

The City will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities. Transportation facilities that support the concept of complete streets include, but are not limited to pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations, including appropriate signage and markings; and streetscapes that appeal to and promote pedestrian use. The system's design will be consistent with, and supportive of, local neighborhoods, the historic downtown, and the Route 1 corridor, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

Projects

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation.

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood. Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

1. Corridors providing primary access to one or more significant destinations such as a parks or recreation areas, schools, shopping/commercial areas, public transportation, or employment centers;
2. Corridors serving a relatively high number of users of non-motorized transportation modes;
3. Corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
4. Projects identified in regional or local thoroughfare, bicycle, and pedestrian plans.

Exceptions

Exceptions to this policy may be made under the circumstances listed below:

1. Street projects may exclude those elements of this policy that would require the accommodation of street uses prohibited by law;

2. Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;

3. Ordinary maintenance paving projects may only exclude the elements of this policy that would require increasing pavement width. However, when such projects do occur, the condition of existing facilities supporting alternate transportation modes should be evaluated as well as the appropriateness of modifying existing pavement markings and signage that supports such alternate modes. This exception does not apply to street reconstruction projects;

4. Street reconstruction projects and maintenance paving projects which involve widening pavement may exclude elements of this policy when the accommodation of a specific use is expected to:
a. require more space than is physically available, or
b. be located where both current and future demand is proven absent, or
c. drastically increase project costs and equivalent alternatives exist within proximity, or
d. have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of currently existing infrastructure.

Street projects may exclude the development of sidewalks in areas falling outside those identified as appropriate for sidewalks on the basis of an adopted sidewalk policy or other plans.

If an exception to the policy is warranted the City shall document the exception and will include said documentation as a project moves through its public process.

Intergovernmental Cooperation
The City will cooperate together and with other transportation agencies including the Maine Department of Transportation (MDOT) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities.

Design Criteria
The City, through its Public Works and Planning Departments, will develop and adopt design criteria, standards, and guidelines based upon recognized best practices in street design, construction, and operation. These design criteria and the project review process will be documented and published by city staff and will be included as a standard requirement for all publicly funded projects in the City of Bath. To the greatest extent possible, the City shall adopt the same standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage.

Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of:
1. American Association of State Highway Transportation Officials (AASHTO) Policy on

Geometric Design of Highways and Streets, Guide for Planning, Designing, and Operating Pedestrian Facilities, and Guide for the Development of Bicycle Facilities;

2. Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach;

3. National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide;

4. U.S. Access Board Public Right-of-Way Accessibility Guidelines;

5. Highway Capacity Manual and Highway Safety Manual; and

6. The Manual on Uniform Traffic Control Devices.

The City will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

Conclusion

The City of Bath will work to implement this policy when planning and carrying out new projects as outlined above. The goal is to obtain an environment as noted in the Vision by improving coordination between all involved parties and providing a roadmap in which to achieve those goals. By following these guidelines, the city and corresponding committees will create an environment that increases safety and improves the City's transportation network for all users.

ORDER- ADOPTION OF COMPLETE STREETS POLICY

WHERAS, the City Council of the City of Bath has established Bike & Pedestrian Committee to advocate for a safe and inviting environment within the City of Bath for bicycling and walking and to encourage citizens to walk and bicycle as a reasonable alternative mode of transportation; and

WHERAS, the City Council of the City of Bath has established a Transportation Committee to provide a safe and efficient multi-modal transportation and parking system for the benefit of residents and visitors of the City of Bath; and

WHERAS, the Bike & Pedestrian Committee of the City of Bath has reviewed and recommended a policy to encourage publicly funded transportation projects to be designed with all modes of transportation in mind, also known as a Complete Streets Policy; and

WHERAS, the Transportation Committee of the City of Bath has also reviewed and recommended said Policy to encourage publicly funded transportation projects to be designed with all modes of transportation in mind; and

WHERAS, it is appropriate that the City Council of the City of Bath consider and adopt said Policy as official City Policy relating to goals, objectives, and action items in the Policy.

NOW, THEREFORE, BE IT ORDERED, by the City Council of the City of Bath, that the City has adopted a Complete Streets Policy as official policy in order to plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of all users.

F4

MEMO

Codes Enforcement Office

Scott Davis, Codes Enforcement Officer
Debby Labrecque, Codes and Planning Assistant
www.cityofbath.com

55 Front Street
Bath, ME 04530
(207) 443-8334

Date: March 24, 2021

To: City Council

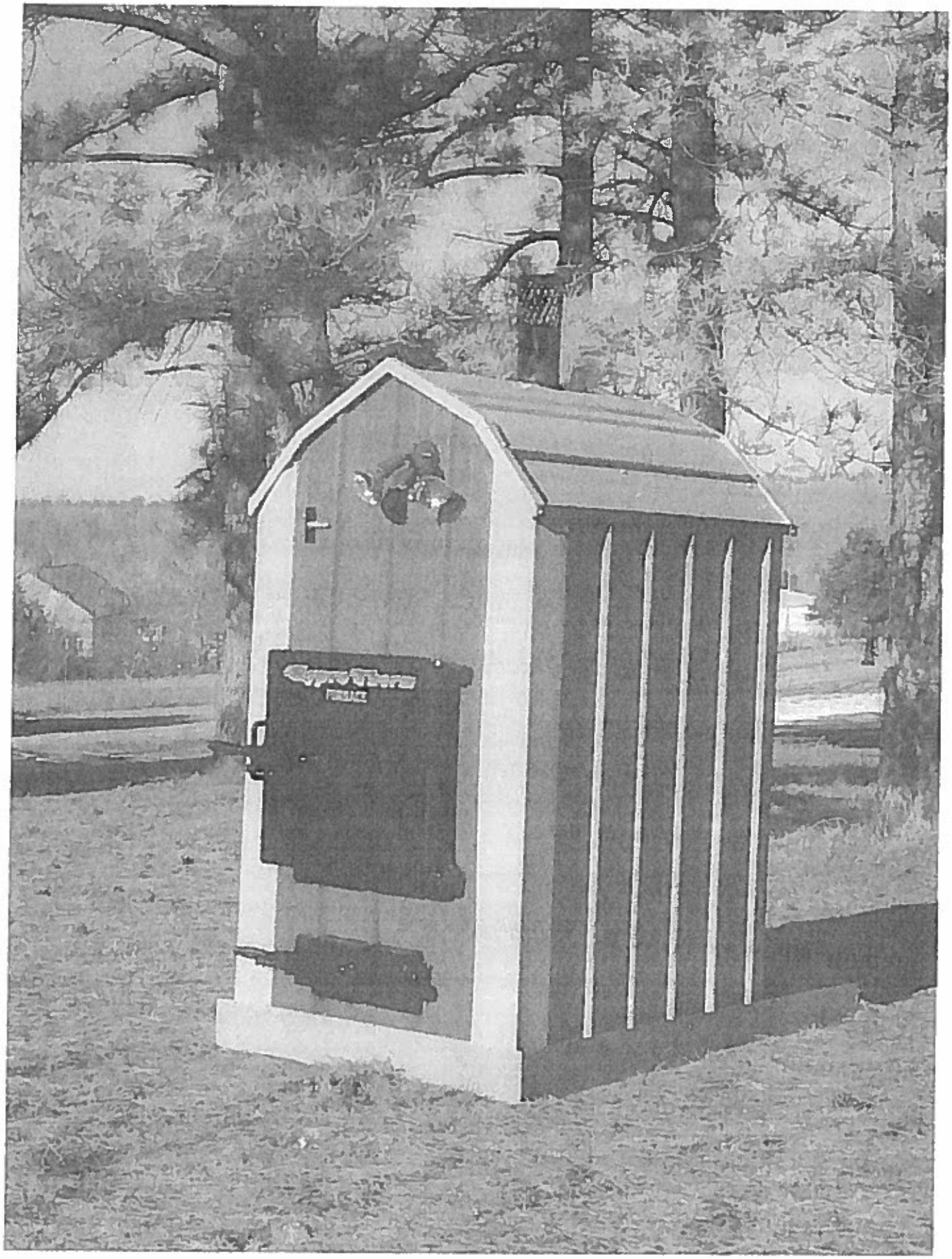
From: Scott Davis, Codes Enforcement Officer Scott

Cc: Peter Owen, Darci Wheeler, Roger Therriault

Re: Outdoor wood boiler ordinance amendment

Attached is a proposed amendment to our ban on outdoor wood boilers/furnaces. For anyone not familiar with them, an outdoor wood boiler or furnace is a boiler or furnace that burns solid fuel, typically wood, or wood products, and is located outdoors. Heated water or air from the unit is plumbed or ducted into a building to heat the building and/or heat domestic water. A photo of one is attached. They have short chimneys, and the smoke from them can linger low to the ground, causing problems on nearby properties. Given how densely Bath is developed, we banned them in 2007. There are two outdoor wood boilers in town that I know of, that predated the ban, both of which are out in North Bath. I have received no complaints about either of them. One of them is at Hawkes Greenhouse. They would like to replace theirs with a new one that's more efficient and pollutes less. They may be able to get a grant to do it. The existing ordinance allows maintenance of existing outdoor wood boilers or furnaces, but not replacement. The proposed amendment would allow someone with a legal outdoor wood boiler or furnace to replace it with a more efficient one. The proposal adds a new section 3, allowing replacement, and renumbers existing sections 3 and 4 to 4 and 5.

I'll be participating in the meeting at which you'll be considering this, and will be glad to answer any questions.



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 8. FIRE PREVENTION

ARTICLE III. OUTDOOR WOOD BOILERS AND OUTDOOR FURNACES

Amend as follows:

Sec. 8-201. Prohibition of Outdoor Wood Boilers and Outdoor Furnaces.

(1) Purpose:
Studies have been done indicating that outdoor furnaces and outdoor wood boilers pose environmental and health risks well beyond any public or private benefit. The smoke from these heating devices cause noxious, offensive odors and the emissions are detrimental to the public health. The purpose of this Section is to prohibit the use, construction, maintenance, or operation of outdoor furnaces and outdoor wood boilers in the City of Bath.

(2) Outdoor furnaces and outdoor wood boilers prohibited
The use, construction, maintenance, or operation of an outdoor furnace or outdoor wood boiler, other than those legally in existence and operation as of January 23, 2007, is prohibited in the City of Bath.

(3) Replacement of legally existing furnaces and boilers. Where it is expedient and desirous to replace a legally existing outdoor furnace or outdoor wood boiler (grandfathered unit), it may be replaced with a unit with at least the same or greater operating efficiency as the unit being replaced. A permit from the Codes Enforcement Officer is required prior to replacement. Maintenance is permitted on grandfathered units in order to minimize detrimental emissions.

~~(3)~~(4) Outdoor furnaces or outdoor wood boilers defined
"Outdoor furnace" or "outdoor wood boiler" means any equipment, device, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors, for the purpose of combustion of solid fuel to produce heat or energy.

~~(4)~~(5) Penalties
Penalties for violation of this prohibition shall be as set forth in Section 8-105.

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CITY OF BATH
POLICE DEPARTMENT

MICHAEL W. FIELD
CHIEF of POLICE
ANDREW M. BOOTH
DEPUTY CHIEF

250 Water Street · Bath, Maine 04530 · (207) 443-5563

Memorandum

To: Members of the City Council
From: Michael Field, Chief of Police
Ref: Castine Avenue Permit Lot Resolution and Ordinance
Date: March 30, 2021

On April 2nd, 2021, the City of Bath resumed control of the Castine Avenue parking lot. This will be a permit-controlled lot. Users will be required to purchase a permit through the Police Department. The current permit fee is $45 per month. Permits allow users to park weekdays from 6:00am to 6:00 pm. All other times would be unrestricted.

The Bath Police Department Traffic Safety Officer will be responsible for the purchasing of permits and enforcement of the parking lot.

The City Council will review the fee schedule annually.

In accordance with City of Bath Ordinances, Chapter 17, Article 6, 17-260, Municipal parking lots, Castine Avenue will be added as a designated permit parking lot.

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 17-260. Municipal Parking Lots.

Add the following:

(h) Castine Avenue Parking Facility – The Castine Avenue Parking Facility parking area shall be designated as permit parking only. Permits shall be issued on a month-to-month basis at an initial cost of Forty-Five Dollars ($45.00) per month. The parking fee may, from time to time, be amended and adjusted by Resolution of the City Council.

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RESOLUTION SETTING PERMIT PARKING FEES

CASTINE AVENUE PARKING FACILITY

WHEREAS, the City Council of the City of Bath has previously leased the Castine Avenue Parking Facility to an Operator, who in turn leased spaces to parkers; and

WHEREAS, that Lease has expired; and

WHEREAS, the City is now leasing spaces in the parking facility; and

WHEREAS, the Facility is to be designated as a permit parking area only; and

WHEREAS, an initial parking fee needs to be established by Council during the pendency of the proposed Ordinance designating the lot as permit only parking; and

WHEREAS, Section 17-260 provides for the administration of permits and the setting of permit fees by Resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the permit fees for the use of the Castine Avenue Parking Facility, shall be Forty-Five Dollars ($45.00) per month, for each individual parking area, and for all subsequent months thereafter or until such time as amended by further Resolution of this Council.