

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, June 5, 2013 6:00 PM
City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Merrill, Paulhus, Lockwood, Eosco, Sinclair, Mitchell, Winglass and Chairman Wyman.

Also in attendance were the City Manager – William Giroux, City Solicitor - Roger Therriault and City Clerk - Mary White.

Chairman Wyman led the Pledge of Allegiance and City Clerk White called the Roll.

Chairman Wyman made a public apology to Michael Wischkaemper, Larry Scott and Councilor David Sinclair regarding quotes that had been printed in the Times Record.

Chairman Wyman presented Charles Williams of the Bath Public Works Department a City Chair and read the following Proclamation in Mr. William’s honor:

PROCLAMATION

WHEREAS the City of Bath wishes to recognize the 28 years of service by Charles “Charlie” Williams at the Bath Public Works Department, and

WHEREAS Charlie was born in Bath, the son of Edward and Ruby Williams and attended local schools, and

WHEREAS Charlie married his sweetheart Mary on August 15, 1970, and

WHEREAS Charlie started his career as a Public Works truck driver on September 14, 1984, and

WHEREAS Charlie received the Maine Road Scholar award on April 3, 2003, and the Golden Mailbox Award in 2006, and

WHEREAS Charlie has been an instrumental team player helping out with City functions such as the City Christmas Party, City Picnic, and City Auction, and

WHEREAS Charlie is the “go-to” guy whenever you need anything done, and

WHEREAS Charlie is a man of many hats and knows how to wear them, and

WHEREAS Charlie is a “driving force” in the City of Bath, bringing smiles to the citizenry as he drives the streets of Bath ringing the trolley bell and is loved by young and old alike;

NOW THEREFORE BE IT PROCLAIMED by the City Council of the City of Bath that the City recognizes the 28 years of excellent public service by Charlie Williams to the Bath citizenry on this 5th day of June, 2013.

Chairman Wyman stated that Item F7- Ordinance: Chapter 5. Businesses, Article 9. Special Business Regulations, Section 5-96 Adult Businesses (first passage) was being pulled from the agenda and an Item dealing with the acceptance of RSU #1 Referendum Election Results would be added.

C. Public Hearings 6:03 PM

1) Bond Ordinance: Authorizing Issuance of General Obligation Bonds in the amount not to exceed \$222,000 for the purpose of funding certain vehicles, City Hall repairs and natural gas conversion project. (second passage)

Councilor Merrill made a motion to waive the reading of the following Ordinance. Councilor Mitchell seconded the motion. All were in favor of the waiving motion.

BOND ORDINANCE

AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$222,000 FOR THE PURPOSE OF FUNDING CERTAIN VEHICLES, CITY HALL REPAIRS AND NATURAL GAS CONVERSION PROJECT

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH, AS FOLLOWS:

Section 1. That a sum up to, but not to exceed, \$222,000, plus the sale premium of and investment earnings on the bonds/notes authorized in Section 2 below, is hereby appropriated for the purpose of funding the following:

- 1 Police vehicle
- Repairs / Replacement of City Hall exterior wall envelope
- 1 public works dump truck with plow gear
- Natural gas conversion project
- One-ton pick-up truck

Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized, in the name of and on behalf of the City, to issue the City's bonds/notes or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$222,000 under and pursuant to the City Charter and 30-A MRSA §5772.

Section 3. That any and all bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager.

Section 4. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, pursuant to Section 807 of the City Charter.

Section 5. That the term of any bonds/notes issued pursuant to this Ordinance shall not exceed ten (10) years.

Section 6. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds/notes or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.

Section 7. That the City Treasurer, with the approval of the Chairman of the City Council and the City Manager, is hereby authorized to make any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance subject to call for redemption with or without premium prior to the stated maturity date at the election of the City.

Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

Section 9. That the bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.

Section 10. That in the event the City Treasurer elects to issue such bonds/notes or notes in anticipation thereof through the Maine Municipal Bond Bank (the "Bond Bank"), that the City Treasurer and the Chairman of the City Council and the City Manager be and hereby are authorized, on behalf of the City, to enter into a loan agreement with the Bond Bank in conjunction with the issuance of the bonds or notes, in the aggregate principal amount not to exceed \$222,000 with a term not to exceed the term of the bonds or notes, said loan agreement to be in the usual and ordinary form utilized by the Bond Bank in connection with its General Resolution Program, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the Treasurer, the Chairman of the City Council and the City Manager may approve, their approval to be conclusively evidenced by the execution thereof.

Section 11. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds/notes or notes in anticipation thereof.

Section 12. That if the City Treasurer, Chairman of the City Council, City Manager, or Clerk are for any reason unavailable to approve and execute the bonds/notes or notes in anticipation thereof issued pursuant to this Ordinance, any loan agreement or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.

Section 13. That during the term any of the bonds authorized hereby are outstanding, the City Treasurer is hereby authorized, in the name and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to determine the date, form, interest rate, maturities (not to exceed 10 years from the date of issuance of the original bonds) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer and countersigned by the Chairman of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.

Section 14. That any suit questioning the validity of this Ordinance shall be barred unless commenced within forty-five (45) days following publication of the Ordinance in accordance with Section 805 of the City Charter.

Councilor Merrill made a motion to put this Ordinance on the floor for discussion. Councilor Winglass seconded the motion.

There was no Council or Public comment on this Ordinance.

ROLL CALL VOTE:

YEAS: Brackett, Merrill, Paulhus, Lockwood, Eosco, Sinclair, Mitchell, Winglass

NAYS: None

Bond Ordinance passed unanimously. 8-0

Chairman Wyman stated this would go into effect in 21 days.

2) Ordinance: Ordinance: Supplemental Appropriation: Unanticipated Expenditures in the amount of \$545,000.00 (second passage)

Chairman Wyman read the following Ordinance:

**ORDINANCE
SUPPLEMENTAL APPROPRIATION**

WHEREAS, the City Council desires to set aside additional funds for unanticipated expenditures; and

WHEREAS, surplus funds in the General Fund Undesignated Fund Balance Account, constituting revenue in excess of those estimated in the Budget for the current fiscal year, are available for this purpose; and

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Five Hundred Forty Five Thousand Dollars (\$545,000.00), will not exceed the expenditure limits for the current fiscal year pursuant to Section 617 of the Charter of the City of Bath;

NOW THEREFORE, be it ordained by the City Council of the City of Bath that the total sum of Five Hundred Forty Five Thousand Dollars (\$545,000.00) be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account GF-2500) to the Council Contingency Account (Account 012-402).

Councilor Mitchell made a motion to put this Ordinance on the floor for discussion. Councilor Winglass seconded the motion.

There was no Council or Public comment on this Ordinance.

ROLL CALL VOTE:

YEAS: Brackett, Merrill, Paulhus, Lockwood, Eosco, Sinclair, Mitchell, Winglass

NAYS: None

Ordinance passed unanimously. 8-0

Chairman Wyman stated that the Ordinance will become effective in 21 days.

D. Consent Agenda 6:07 PM

***3) Minutes of the Regular Council Meeting on May 1, 2013, Public Hearing on City Budget and Special Council Meetings on May 22, 2013. (Motion to Accept as Presented)**

Councilor Lockwood made a motion to accept the Consent Agenda as presented. Councilor Mitchell seconded the motion. All were in favor of the motion.

E. Time Devoted to Residents to Address the City Council 6:08 PM

Robert McChesney, Chairman of the Bike and Pedestrian Committee, presented the City of Bath with the National Bronze Award for a Bike Friendly Community from the League of American Bicyclists. Mr. McChesney thanked the Council, City Planner Andrew Deci and the Police Chief Michael Field for their support of the Committee and with the help in receiving the award.

Larry Scott of 1486 Washington Street spoke regarding the sale of the Midcoast Higher Education Center property. Mr. Scott asked that Council answer his previously asked questions.

Michael Wischkaemper of 17 York Street spoke regarding the sale of the Midcoast Higher Education Center property. Mr. Wischkaemper stated that sale of City property should not be done in secret and the citizens should be made aware of these sales.

Former Councilor Kyle Rogers of 80 Court Street spoke regarding the sale of the Midcoast Higher Education Center property and stated the sale should have been delayed due to the questions being raised by the citizens.

Councilor Sinclair stated the he felt the Council should do a better job in answering the questions from the public.

Councilor Merrill stated that she felt the Council in the future should have a policy that such properties be appraised by an independent appraiser before going to sale.

John Armentrout of 1044 Washington Street spoke regarding the process by which the sale of the Midcoast Higher Education Center happened. Mr. Armentrout stated that he felt the City had dropped the ball on how the sale was handled and hoped that future sales would be done differently.

Councilor Eosco asked that the Council discuss the process of the future sale of City owned properties at the next Council meeting.

Former Councilor Edwin Rogers of 5 Old Sloop Lane spoke regarding how Council previously handled sales of City owned properties. He stated that he felt the Council did what they had to do to get the building sold.

F. Ordinances, Resolutions and Orders 6:47 PM

REGIONAL SCHOOL UNIT #1
RETURN OF VOTES CAST
June 4, 2013 Budget Referendum

At the RSU #1 Budget Referendum the votes of inhabitants present and qualified to vote were as follows:

Question: Budget Approval Referendum	TOTAL
YES	180
NO	139
BLANKS	1

Question: Double Validation Referendum	TOTAL
YES	183
NO	133
BLANKS	4

CERTIFICATION
BATH
(Municipality)

We, the undersigned election officials duly sworn, do declare that, in accordance with 21-A MRSA §898, we have publicly sorted, counted, declared, recorded, and packaged all ballots cast at the Municipal Election held on Tuesday, June 4, 2013.

Christina Hagan Election Clerk Counting Ballots *David Kelly* Election Clerk Counting Ballots

Mary White Warden

A True Copy Attest:
Mary White
Signature of Town Clerk

* ONE COPY OF THIS FORM MUST BE IMMEDIATELY DELIVERED TO THE RSU #1 ELECTIONS OFFICER.

Councilor Paulhus made a motion to accept the results of the RSU #1 June 5th Referendum Election results as presented. Councilor Lockwood seconded the motion. All were in favor of the motion.

4) Permission to hold Heritage Days

BATH HERITAGE DAYS 2013

F4

May 30, 2013

Mr. Bernard Wyman, Chairman
Bath City Council
55 Front Street
Bath, ME 04530

Dear Mr. Wyman:

Main Street Bath, Inc. respectfully requests City Council endorsement for the 41st Annual Bath Heritage Days Celebration scheduled for Thursday, July 4 – Sunday, July 7th, 2013.

Bath Heritage Days: We seek permission to hold the 2013 Bath Heritage Days in downtown Bath, Waterfront Park and City Park from 7:30 a.m. on July 4 through 11pm on July 7. Events will include a 5K, Independence Day Parade, Boat Parade, Chicken BBQ, Firemen's Muster, Art and Crafts Shows, children's activities, live music on the Waterfront Dock and in the City Park gazebo, Carnival, Antique Car Show, and Fireworks.

Carnival: The Carnival provider is Smokey's Greater Shows. We plan to have the carnival and midway on Commercial Street between Bathport and the Visitor Center parking lot as in recent years. We have permission from the DOT to use the area under the bridge, and from the Mahoney family to use the Coal Pocket for a parking lot for the duration of Heritage Days. Accommodations will be made for access to other private lots as available. **Operating Hours:** The carnival's operating hours will be Thursday, July 4 through Sunday July 7th from 10:00 a.m. until 11pm.

Traffic: Carnival detour traffic will be designated from July 3-8 to allow for setup and breakdown. In addition to the partial closing of the South end of Commercial Street, we ask permission for "no parking" zones on Friday, Saturday and Sunday on the East side of Washington Street and on Linden Street surrounding City Park for additional pedestrian safety. We request the closing of Front Street between Centre and Elm Streets for the Front Street Shuffle on Sunday from 9am-3pm. A portion of Commercial Street will be left open to traffic until 5pm on Wednesday and Friday to make employee parking accessible at businesses. We also request a total of 4 additional temporary spaces be reserved for handicapped parking on Washington and Commercial Streets in close proximity to activities.

Parade: The 2013 Heritage Days Parade will be held at 11:30am on Thursday, July 4th. The later start time will allow the Bath Recreation Dept. more time to complete their 5k awards. Line up will be on the old Brunswick Road, parts of North Street, Congress Avenue and Oak Grove Avenue. The parade registration table will be on Congress Avenue near the Lincoln Street intersection. The parade will travel south on Lincoln Street, east on Centre Street, North on Front Street and will disband at Front and North Streets.

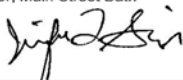
Fireworks: We seek permission to hold the fireworks in the downtown area on Sunday July 7th. We will shoot the fireworks display from a barge in the river. We will have the proper license approval from the Maine State Fire Marshall.

Trash: Pine Tree Waste, Inc. will provide trash pickup and toilets. With council permission, we propose City Park be posted as a tobacco fee zone, with compliance requested but not enforced.

Fees and Licenses and City Services: We seek permission for the Waiver of all City of Bath fees and license requirements for all participants at Bath Heritage Days. Also, permission for the City to absorb all City costs except for Police at the carnival and for services in excess of the level provided in previous years.

We ask that the City Manager be allowed to act on future requests should the need arise between now and July 4th, 2013. With the City Council's endorsement we look forward to another community celebration of Independence Day and Bath's rich cultural heritage.

Sincerely,
Jennifer Geiger, Director, Main Street Bath
C: Mary White



Main Street Bath, 15 Commercial Street, Bath, ME 04530 207-442-7291

Jennifer Geiger gave an overview of the festivities. She highlighted two changes from the previous year. The first change would be the Parade would start at 11:30 AM on Thursday, July 4th and the second change would be the Kennebec Boat Parade would take place on Sunday, July 7th at 4:00 PM. Edwin Rogers, Chairman of the Heritage Days Committee, explained the schedule for the closure of Commercial Street to traffic for the events.

Councilor Lockwood made a motion to give permission for Main Street Bath to make necessary arrangements to hold Heritage Days. Councilor Paulhus seconded the motion. All were in favor of the motion.

5) Order: Appropriating Funds for Improvements to the Library Park Pond (tabled from September 5, 2012)

Chairman read the following Order:

**ORDER APPROPRIATING FUNDS
FOR IMPROVEMENTS TO THE LIBRARY PARK POND**

WHEREAS, the Friends of the Zorach Fountain have proposed improvements to the area immediately adjacent to and around the Library Park Pond; and

WHEREAS, the City Council of the City of Bath approved a Resolution on July 9, 2012 supporting the efforts to renovate and improve the Library Park Pond and to encourage fundraising efforts by Friends of the Zorach Fountain; and

WHEREAS, it is appropriate for the City to contribute to the fundraising of the Library Park Pond improvements.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the sum of Ten Thousand Dollars (\$10,000.00) be and hereby is appropriated from the Council Contingency Account, Account #012-402, said amount to be donated to the Friends of the Zorach Fountain for the specific purpose of Library Park Pond renovations and improvements.

Councilor Eosco made a motion to put this Order on the floor for discussion. Councilor Lockwood seconded the motion.

Councilor Winglass made a motion to table this item indefinitely. Councilor Brackett seconded the motion.

VOTE on tabling motion:

YEAS: 7

NAYS: 1 (Sinclair)

Motion passed. 7-1

6) Ordinance: Prohibiting Smoking in City Parks and Recreation Facilities - Access Health (first passage)

Councilor Merrill made a motion to waive the reading of the Ordinance. Councilor Paulhus seconded the motion. All were in favor of the waiving motion.

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 10. PUBLIC SAFETY

Add the following:

ARTICLE 4. TOBACCO-FREE PARKS AND RECREATION FACILITIES

Section 10.401. Title.

This article shall be known as the “City of Bath Tobacco-Free Parks and Recreation Facilities Ordinance.”

Section 10.402. Purpose.

This ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the City of Bath’s parks and outdoor recreation facilities. The purpose of this ordinance is to decrease exposure of individuals, and children in particular, to secondhand smoke in their outdoor environment.

Section 10.403. Definitions.

Tobacco products means cigarettes, cigars, pipes, snuff, dip, chewing tobacco, weed, plant, and any other forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking, or both for chewing and smoking.

Section 10.404. Tobacco Product Use Prohibited.

It shall be unlawful for any person to use tobacco products, at any time, at or within twenty five (25) feet of all parks and outdoor recreation facilities owned and/or maintained by the City of Bath, including, but not limited to, the following:

- Library Park
- Waterfront Park
- South End Park
- All City Boat Launch Facilities
- All City Trails and/or Easements
- McMann Field Complex, inclusive of all Facilities, Track, Tennis/Basketball Courts, and Fields
- Donnie Small Athletic Complex
- Varnum Field

There will be no designated areas in the aforementioned properties allocated for use of tobacco products.

Section 10.405. Signage.

The Parks and Recreation Department shall post signage notifying the public of the prohibition of tobacco product use at or near the parks and outdoor recreation facilities specified herein, as well as such other locations that, in its sole discretion, the Parks and Recreation Department deems necessary.

Section 10.406. Privately Owned Property.

Nothing in this ordinance shall prohibit smoking on privately owned property.

Section 10.407. Enforcement.

The City of Bath Police Department shall investigate and enforce the provisions contained in this ordinance. Nothing in this ordinance shall prevent the enforcement agent from obtaining voluntary compliance by way of warning, notice or education.

Section 10.408. Penalties.

Any person in violation of any provision of this ordinance shall be subject to a civil penalty and upon adjudication thereof shall be fined in the amount of one hundred dollars (\$100.00) for the first offense; two hundred fifty dollars (\$250.00) for a second offense; and five hundred (\$500.00) for each violation thereafter.

Councilor Paulhus made a motion to put this Ordinance on the floor for discussion. Councilor Lockwood seconded the motion.

Linda Christie, Prevention Specialist for Access Health, gave an overview of the process followed by the Committee which drafted the Ordinance.

ROLL CALL VOTE on Ordinance:

YEAS: Brackett, Merrill, Paulhus, Lockwood, Eosco, Sinclair, Mitchell, Winglass

NAYS: None

Ordinance passed unanimously. 8-0

Chairman Wyman set second passage for this Ordinance for July 3, 2013 at 6:01PM.

7) Ordinance: Chapter 5. Businesses, Article 9. Special Business Regulations, Section 5-96 Adult Businesses (first passage)

A complete copy of this Ordinance is on file in the City Clerk's Office with the agenda materials for the 6-5-2013 meeting.

This Item was pulled from the agenda

8) Resolution: City Operating Budget Component

Chairman Wyman read the following Resolution:

RESOLUTION - CITY OPERATING BUDGET COMPONENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the City Operating Budget for the fiscal year commencing on July 1, 2013 and terminating on June 30, 2014, be and hereby is adopted with a total expenditure of **\$9,373,627.00**, balanced with an equal amount of estimated revenue. Summary of appropriations are attached to this resolution in the following two pages.

The Summary is on file with the agenda materials for the June 5, 2013 meeting in the City Clerk's Office.

Councilor Sinclair made a motion to put this Resolution on the floor for discussion. Councilor Winglass seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

9) Resolution: City Capital Improvement Budget

Chairman Wyman read the following Resolution:

RESOLUTION – CITY CAPITAL IMPROVEMENT COMPONENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the City Capital Improvement Budget as reallocated and/or appropriated for the fiscal year commencing on July 1, 2013 and terminating on June 30, 2014, be and hereby is adopted with a total expenditure of **\$978,064.00**, balanced with an equal amount of estimated revenue. Summary of funded projects is on the following page.

The Summary is on file with the agenda materials for the June 5, 2013 meeting in the City Clerk's Office.

Councilor Paulhus made a motion to put this Resolution on the floor for discussion. Councilor Mitchell seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

10) Resolution: Landfill Fund Component

Chairman Wyman read the following Resolution:

RESOLUTION – LANDFILL FUND COMPONENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the Landfill Fund Component as reallocated and/or appropriated for the fiscal year commencing on July 1, 2013 and terminating on June 30, 2014, be and hereby is adopted with a total expenditure of **\$1,814,749.00** balanced with an equal amount of estimated revenue. Summary of appropriations is attached on the following page.

The Summary is on file with the agenda materials for the June 5, 2013 meeting in the City Clerk's Office.

Councilor Paulhus made a motion to put this Resolution on the floor for discussion. Councilor Mitchell seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

11) Resolution: Sewer Utility Fund Budget

Chairman Wyman read the following Resolution:

RESOLUTION – SEWER UTILITY FUND COMPONENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the Sewer Utility Fund Budget for the fiscal year commencing on July 1, 2013 and terminating on June 30, 2014, be and is hereby adopted with a total expenditure of **\$2,067,466.00**, balanced with an equal amount of estimated revenue. Summary of appropriations are attached to this Resolution on the following page.

The Summary is on file with the agenda materials for the June 5, 2013 meeting in the City Clerk's Office.

Councilor Paulhus made a motion to put this Resolution on the floor for discussion. Councilor Winglass seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

12) Resolution: Bath City Bus Fund Budget

Chairman Wyman read the following Resolution:

RESOLUTION – BATH CITY BUS FUND COMPONENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the Bath City Bus Fund Budget for the fiscal year commencing on July 1, 2013 and terminating on June 30, 2014, be and is hereby adopted with a total expenditure of **\$115,157.00**, balanced with an equal amount of estimated revenue. Summary of appropriations are attached to this Resolution on the following page.

The Summary is on file with the agenda materials for the June 5, 2013 meeting in the City Clerk's Office.

Councilor Paulhus made a motion to put this Resolution on the floor for discussion. Councilor Lockwood seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

13) Resolution: Bath Trolley and Transportation Budget

Chairman Wyman read the following Resolution:

RESOLUTION – BATH TROLLEY AND TRANSPORTATION COMPONENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the Bath Trolley and Transportation Fund Budget for the fiscal year commencing on July 1, 2013 and terminating on June 30, 2014, be and is hereby adopted with a total expenditure of **\$83,222.00** balanced with an equal amount of estimated revenue. Summary of appropriations are attached to this Resolution on the following page.

The Summary is on file with the agenda materials for the June 5, 2013 meeting in the City Clerk's Office.

Councilor Brackett made a motion to put this Resolution on the floor for discussion. Councilor Paulhus seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

14) Resolution: to Increase the LD1 Tax Levy Limit

Chairman Wyman read the following Resolution:

RESOLUTION TO INCREASE THE LD1 TAX LEVY LIMIT

BE IT RESOLVED by the City Council of the City of Bath, to increase the tax levy limit of \$6,797,630.00 by the amount required by the adoption of the 2013-2014 budget (estimated increase \$30,000.00).

Councilor Mitchell made a motion to put this Resolution on the floor for discussion. Councilor Paulhus seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

15) Order: Establishing Tax Club for the upcoming year

Chairman Wyman read the following Order:

ORDER
TAX CLUB FOR 2013 - 2014

BE IT ORDERED by the City Council of the City of Bath, as follows:

That the Finance Director, serving as the appointed Treasurer and Tax Collector, be authorized and empowered to continue a tax payment plan known as the "Bath Tax Club", making payments in a method, frequency, and manner set by, and in accordance with, the rules of said Tax Club as determined by the Finance Director; and

That membership shall be limited to one property, that being the taxpayer's primary residence, and specifically not available for commercial, industrial, personal, or rental properties; and

That enrollment in the 2013 Tax Club begins July 1, 2013, and ends August 15, 2013; with the first of twelve payments due in September, 2013.

Councilor Brackett made a motion to put this Resolution on the floor for discussion. Councilor Merrill seconded the motion.

City Manager Giroux explained that this is open to all home owners.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

16) Resolution: Establishing interest rate on all delinquent taxes at the rate of 7% per annum

Chairman Wyman read the following Resolution:

**RESOLUTION – ESTABLISHING
INTEREST RATE ON DELINQUENT PROPERTY TAXES**

WHEREAS, pursuant to 36 M.R.S.A. Section 505(4), the City of Bath has the authority to specify an interest rate which shall be applied to delinquent taxes; and

WHEREAS, Section 7-101 of the Code of the City of Bath determines that the rate of interest is to be established yearly by Resolution of this Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, that the interest rate due and payable for all delinquent taxes shall be set at the rate of 7.0% per annum, for taxes assessed during the 2013-2014 Fiscal Year.

Councilor Mitchell made a motion to put this Resolution on the floor for discussion. Councilor Paulhus seconded the motion.

City Manager Giroux explained the process used to figure out the % of interest charged.

Finance Director Millett explained the process to apply for an abatement.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

17) Resolution: Establishing interest rate on delinquent sewer bills at the rate of 7% per annum

Chairman Wyman read the following Resolution:

**RESOLUTION – ESTABLISHING
INTEREST RATE ON SEWER BILLS**

BE IT RESOLVED by the City Council of the City of Bath, as follows:

That the interest rate due and payable for all delinquent sewer bills shall be set at the rate of 7.0% per annum, for all sewer user fees assessed during the 2013-2014 Fiscal Year.

Councilor Mitchell made a motion to put this Resolution on the floor for discussion. Councilor Brackett seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

18) Resolution: Establishing interest rate on refunds due to tax abatements at the rate of 3% per annum

Chairman Wyman read the following Resolution:

**RESOLUTION – ESTABLISHING
INTEREST RATE ON REFUNDS DUE TO OVERPAYMENT OF TAXES**

BE IT RESOLVED by the City Council of the City of Bath, as follows:

That any taxpayer who pays an amount in excess of what is finally assessed (as in the case of a taxpayer who pays under protest, appeals the assessment, and is granted an abatement; or in the case of accidental overpayment of taxes by a mortgage company, taxpayer, or tax club member) must be repaid the amount of the overpayment, plus interest back to the date of the overpayment, at a rate of 3.0% per annum, from July 1, 2013 to June 30, 2014; and

That property tax payments can be received only for delinquent or currently due taxes; and

That payments resulting in an overpayment will be applied as much as possible to outstanding balances, then remainder repaid only to the payee.

Councilor Mitchell made a motion to put this Resolution on the floor for discussion. Councilor Lockwood seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

19) Resolution: City of Bath's Special Purpose Fund Budget

Councilor Lockwood made a motion to waive the reading of the Resolution. Councilor Mitchell seconded the motion. All were in favor of the waiving motion.

RESOLUTION – SPECIAL PURPOSE FUND COMPONENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE, that the City of Bath's Special Purpose Fund as reallocated and/or appropriated for the fiscal year commencing on July 1, 2013 and terminating on June 30, 2014, be and is adopted for the purpose of funding the accounts attached to this Resolution below:

SPECIAL PURPOSE FUNDS - CITY

As of June 1, 2013

<u>CP03 Cemetery and Parks</u>	<u>REC03 Recreation</u>	<u>GA03 General Assistance</u>
624 Forestry Trust-Prin & Interest	656 Lacrosse	610 Almoner Fund
660 Cemetery Firewood	657 Soccer	725 Charitable Contribution Fund
675 Library Gazebo	671 McMann Field Renovation	749 Messier-Costain Foundation
681 Forestry Committee	673 Mens Softball League	<u>PL03 Planning Department</u>
253 Milled Lumber	720 Lambert Park Community Center	652 Comprehensive Planning
758 Druid Park	733 Little League Registrations	790 Climate Adaption
<u>773 Vandalism & Damage</u>	734 Bath Babe Ruth League	<u>LPCC03 LAMBERT PARK CC</u>
FD03 Fire and Ambulance	737 Youth Football League	LPCC03
<u>FOR03 Forestry</u>	738 Youth Cheerleading	<u>POL03 Police Grants</u>
710 Forestry - Community Gateway	748 Artworks	403 Drug Diversion
718 Forestry - Tree Planting	930 Rec Scholarship Fund	621 OUI Grant
771 Forestry – Post Card	931 Community Garden	617 Dare
777 Arbor Day Grant	936 Advertising Signs	618 Jumpstart
782 Project Canopy	958 McMann Advertising	650 Juvenile Assistance Fund
783 USDA Interns	<u>SPF03 Special Purpose</u>	696 State Traffic Management
884 Planning & Education	615 Swimming Pool Fund	712 Homeland Security
	653 Downtown Signs	724 Bullet Proof Vest Program
	722 Bath Clocks Maintenance	726 Seatbelt Safety Program
	729 Workers Comp Reserve	730 Police Drug Forfeiture
	731 Skate Park Committee	747 PD Bike Safety
	759 2 Townlanding	750 Chaplain's Training
	778 Butler Head Sugarbush	780 Under Aged Drinking
	786 Green Downtown Grant	939 Shields of Hope
	788 Butler Head Signs & Improvements	
	935 Assessor Records Preservation	
	964 Efficiency Maine PACE Grant	
	969 Police K9 Fund	
	970 Skatepark Campaign Fund	

Councilor Mitchell made a motion to put this Resolution on the floor for discussion. Councilor Winglass seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

20) Resolution: Authorizing Borrowing in Anticipation of Taxes for FY 2013-2014

Councilor Mitchell made a motion to waive the reading of the following Resolution. Councilor Winglass seconded the motion. All were in favor of the waiving motion.

RESOLUTION AUTHORIZING BORROWING
IN ANTICIPATION OF TAXES
FOR FISCAL YEAR 2013-2014

WHEREAS, the City of Bath does not receive substantial income from ad valorem property taxes until approximately the beginning of October of any fiscal year; and

WHEREAS, the City of Bath has certain ongoing financial obligations that must be met including, but not limited to, payroll expenses and debt service payments that come due prior to the receipt of substantial tax revenues; and

WHEREAS, these factors result in cash flow issues within City Budgets; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath as follows:

THAT Pursuant to 30-A M.R.S.A. Section 5771 and Chapter VI, Section 616 of the Charter of the City of Bath, the Treasurer is hereby authorized and empowered to borrow, at one time or from time to time during the fiscal year ending June 30, 2014, singly or in series, an amount or amounts not exceeding \$3,000,000 in anticipation of the collection of receipts from taxes, such borrowing to be evidenced by the issuance of the City's tax anticipation notes (the "Notes").

THAT The Notes shall be issued in the aggregate amounts not to exceed \$3,000,000 and that the interest rate, maturities, and denominations for the Notes shall be established by the Treasurer with the approval of the Chairman of the City Council and the City Manager. The Notes, and any extensions, renewals, or replacements thereof, shall be signed by the Treasurer and countersigned by the Chairman of the City Council and the City Manager, attested to by the Clerk, and shall be payable on or before June 30, 2014, out of money raised by taxation during the fiscal year ending June 30, 2014, and shall contain such terms and provisions, not inconsistent herewith, and be in such form as shall be approved by the officers and officials signing the same, which approval shall be conclusively evidenced by their execution thereof.

THAT The Treasurer be, and hereby is authorized to prepare and distribute a Notice of Sale of the City, or other suitable document for use in soliciting bids from financial institutions and that any prior similar action taken by the Treasurer be and hereby is ratified and approved.

THAT The Treasurer, Chairperson of the City Council, and Clerk be and hereby are authorized and empowered on behalf of the City to undertake all such acts and things and execute and deliver all such documents and certificates as may be necessary or convenient in connection with the issuance, sale, execution, and delivery of the Notes.

THAT If the Treasurer, Chairperson of the City Council, or Clerk are for any reason unavailable to approve and execute the Notes or any related documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself/herself performed such act.

Councilor Lockwood made a motion to put this Resolution on the floor for discussion. Councilor Merrill seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

21) Resolution: Establishing Schedule of Rates for Sewer System Fees, Use Charges and Special Assessments

Councilor Lockwood made a motion to waive the reading of the following Resolution. Councilor Mitchell seconded the motion. All were in favor of the waiving motion.

RESOLUTION ESTABLISHING SCHEDULE OF RATES FOR SEWER SYSTEM FEES, USE CHARGES, AND SPECIAL ASSESSMENTS

WHEREAS, Sections 14-28, 14-30, 14-51(b), 14-52(a), and 14-54 of the Code of the City of Bath specify that the City Council from time to time shall establish by Resolution, upon recommendation from the City Manager, a schedule of rates for the sewer system fees and use charges together with surcharges which may be applicable, as well as special assessments; and

WHEREAS, it is apparent that an increase in the rate structure is necessary in order to fund the wastewater treatment system; and

WHEREAS, such an increase is recommended by the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, pursuant to their authority under the Code of the City of Bath, that the following rate structure, listed in the attached table, be and hereby is adopted for all fees, charges, and special assessments, to be effective July 1, 2013.

Proposed Sewer Rate Structure Schedule July 1, 2013 is on file with the agenda materials for the June 5, 2013 meeting in the City Clerk's Office.

Councilor Mitchell made a motion to put this Resolution on the floor for discussion. Councilor Merrill seconded the motion.

Finance Director Millett explained the increase which is the CPI.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

Public Works Director, Peter Owen, explained the two sewer projects proposed for this summer are Winship and Willow Streets.

22) Resolution: Establishing Schedule of Rate for Landfill Fees

Chairman Wyman read the following Resolution:

RESOLUTION ADJUSTING TIPPING FEES
BATH LANDFILL

WHEREAS, Section 13-32 of the Code of the City of Bath provides for assessing fees for use of the City's Solid Waste Facility; and

WHEREAS, the City Council of the City of Bath has deemed it appropriate, upon recommendation of Staff, that such fees be adjusted; and

WHEREAS, Section 13-32, above-referenced, provides for amendment of the fee schedule by Resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath that the Solid Waste Facility fees are adjusted, effective July 1, 2013, as follows:

	<u>Current Rate</u>	<u>New Rate</u>
Residential	\$10 per 500 lbs	No change
Solid Waste	\$95	No change
Bath Demo	\$100	\$105
Non-Bath Demo	\$120	\$125
Residential CRT	\$10	No change
Commercial CRT	\$20	No change

Councilor Mitchell made a motion to put this Resolution on the floor for discussion. Councilor Paulhus seconded the motion.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Resolution passed unanimously. 8-0

23) Order: Set Aside Funds for Landfill Closure or Remediation

Chairman Wyman read the following Order:

**ORDER
TO SET ASIDE FUNDING FOR THE PURPOSES OF
CITY LANDFILL REMEDIATION AND OR CLOSURE FUND**

WHEREAS, pursuant to an Order of the City Council dated April 4, 2012, the City Council requested the transfer of monies, from MainePERS, as administrator, designated as surplus funds under the Individual Unpooled Unfunded Actuarial Liability Fund (IUUAL); and

WHEREAS, the surplus funds were, upon receipt by the City, turned over to HM Payson & Co. to be managed under the terms of the City's Investment policy, also adopted by Council vote at its April 4, 2012 meeting; and

WHEREAS, the surplus funds have been designated by the City as "Reserve Funds", within the meaning of M.R.S. Title 30-A section 5801 et seq., to be used for all purposes contemplated therein including, but not limited to, necessary capital expenditures, both current and future; and

WHEREAS, the City is desirous of funding a capital account dedicated to offsetting, in part or entirely, future costs associated with remediation or closure of the City's landfill.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that \$1,000,000 of the City's Reserve monies be set aside, or otherwise accounted for in a capital improvement account as contemplated by M.R.S. Title 30-A section 5801 (1) and entitled **City Landfill Remediation and/or Closure Fund**, for the singular purpose of addressing future costs associated with the closure or remediation of the City Landfill.

Councilor Paulhus made a motion to put this Order on the floor for discussion. Councilor Winglass seconded the motion.

Councilor Sinclair made a motion to table this item to next month's Regular Meeting so that more information regarding clarification of funding could be given to Council. Councilor Paulhus seconded the motion.

VOTE on Tabling:

YEAS: 8

NAYS: 0

Tabling motion passed unanimously. 8-0

G. Petitions & Communications 7:40 PM

There were no petitions or communications.

H. City Manager's Report 7:40 PM

There was no City Manager's report.

I. Committee Reports 7:41 PM

Councilor Paulhus gave an overview of the history/process of the development of the proposed City Flag. The designer, Jeremy Hammond, did a slide presentation on the designing process. The Flag Committee members and Council thanked Mr. Hammond for his time and dedication to this project.

Councilor Paulhus asked if the City Solicitor could draft a resolution for the next regular Council Meeting adopting the City Flag. The Council was in favor of having a resolution for the next meeting.

Mr. Hammond explained there is no ownership of the flag design and it is open to be used by all.

The presentation packet is on file with the Council Agenda materials for 6-5-2013 in the City Clerk's Office.

J. Unfinished Business 8:03 PM

There was no unfinished business.

Richard Hill of 71 South Street spoke regarding the history of spending limitations. Mr. Hill asked if he could get some information on how the City is handling the not being able to spend the \$496,000 Bond that came due in September 2012.

Councilor Merrill asked that Council address the procedures for the sale of city owned property as soon as possible.

Councilor Lockwood asked that the Economic Development Committee meet to draft such a document.

Councilor Sinclair asked that a time limit be set for the Committee to get back to Council and that a document be prepared describing the process of the sale of the Midcoast Center for Higher Education and be sent to the newspaper so the public's questions could be answered.

Councilor Winglass asked that a date for a meeting of the Economic Development Committee be set for as soon as possible in June.

K. New Business 8:16 PM

24) Appointment one member to the Bath Bike and Pedestrian Committee with term ending in May 2016.

Councilor Eosco nominated Rebecca Farnham for this position. All were in favor of the nomination.

25) Appointment two members to the Bath Board of Assessment Review with terms ending in July 2016.

Councilor Eosco nominated John Sunderland for the first position. All were in favor of the nomination.

Councilor Eosco nominated William Truesdell for the second position. All were in favor of the nomination.

The meeting adjourned at 8:20 PM with a motion by Councilor Mitchell, seconded by Councilor Merrill. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. A DVD recording of the meeting is available for review in the City Clerk's office during regular business hours by appointment.