

**REGULAR MEETING MINUTES  
CITY COUNCIL OF THE CITY OF BATH, MAINE  
Wednesday, June 3, 2015 6:00 PM  
City Council Chambers, Bath City Hall**

Present: Councilors Brackett, Page, Rogers, Wyman, Bauer, Mitchell, Omo and Madame Chair Eosco.  
Late: Councilor Paulhus

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

Madame Chair Eosco led the Pledge of Allegiance and City Clerk White called the Roll.

Madame Chair Eosco presented a proclamation and City chair to Sergeant Detective David Beauregard of the Bath Police Department for his 25 years of service to the City of Bath.

**PROCLAMATION**

**WHEREAS** the City of Bath wishes to recognize the 25 years of service by Sergeant Detective David Beauregard of the Bath Police Dept., and

**WHEREAS** David was born in Portland, ME, the son of David and Virginia Beauregard, graduating from Deering High School, followed by Northland College in Ashland, WI with a Bachelor of Science degree in Organizational Management and scholastic honors including the George Barr Memorial Scholarship, the NLCAA All-American Player Award and the NLCAA Honorable Mention Player Award, and

**WHEREAS** David graduated 3<sup>rd</sup> from the 68<sup>th</sup> Maine Criminal Justice Academy on March 22, 1991, and

**WHEREAS** David was assigned as a Patrolman for the City of Bath on May 1, 1990, was promoted to Corporal on March 12, 1999, the position of Sergeant on June 30, 2000, the position of Drug Detective on July 16, 2002, and was promoted to Sergeant/Detective on May 3, 2013 until his retirement on April 17, 2015, and

**WHEREAS** David's career with the Bath Police Dept. included being on the Bike Patrol, serving as an Accident Reconstructionist, serving as Bath's first Drug Detective, Bath Police Dept.'s Civil Rights Officer, and as a Certified Level 2 Cross Fit Trainer, in addition to service to the community as the Morse High Girls Soccer Coach and working with the Adult Indoor Soccer Program for the Recreation Dept., and

**WHEREAS** David has seen numerous accomplishments in his career including:

- Completion of Enhanced Neighborhood Policing Level 1 requirements for Community Policing
- Officer of the Year Award in 2005
- Merit Award in 2007
- Letters of Commendation for solving a burglary at the Middle School, for an Act of Bravery removing an unconscious person from a smoke-filled building, for excellent Drug Investigation work, for quick arrest for the vandalism at Fisher-Mitchell School, for excellent job investigating (3) burglaries and a quick arrest in the Walgreen robbery
- Memorandums for Professionalism, for helping obtain \$38,000 in grants and for Criminal Mischief arrests
- Numerous letters of thanks and appreciation from victims of crimes, schools, businesses and other law enforcement agencies

**WHEREAS** David Beauregard's long and productive career of public service to the citizens of Bath was marked by his integrity and professionalism;

**NOW THEREFORE BE IT PROCLAIMED** by the City Council of the City of Bath that the City recognizes the 25 years of excellent public service by Sergeant Detective David R. Beauregard to the Bath citizenry.

This 3<sup>rd</sup> day of June 2015

**C. Public Hearings 6:06 PM**

**1) Ordinance: LUC Amendment, Article 17 - Wireless Communications Facilities  
(Second Passage)**

Councilor Omo made a motion to waive the reading of the following Ordinance. Councilor Mitchell 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 LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:*

**ARTICLE 17 – WIRELESS COMMUNICATIONS FACILITIES**

**SECTION 17.02 DEFINITIONS**

Amend the following:

Fall Zone – The area on the ground from the base of a WCF support structure that forms a circle within a radius equal to 125% of its height, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

**SECTION 17.06 PERFORMANCE STANDARDS FOR WCFs**

Delete:

C. A new or expanded WCF may not be closer to any property line than a distance equal to 150 percent of the height of its tallest support structure plus any antennas. This standard does not apply to WCFs placed within any non-tower structure.

Replace with the following:

C. The fall zone area, as defined in Section 17.02, shall be located on the property of the developer, or if on leased property, the property of the lessor. The Planning Board may allow a portion of the 125% radius around the WCF support structure to extend upon the property of an abutting property owner(s), upon showing that the abutting property owner(s) has agreed to allow a portion of the fall zone to be extended onto their property. The allowed activity within the fall zone may be addressed under either of the following options. Option 1: If there are to be no restrictions on the placement or erection of structures within the fall zone area, then the lessor of the property where the WCF support structure is located and/or the abutting property owner if encroachment of the fall zone distance is approved by the Planning Board on that abutting property owner(s) property, then the lessor or abutter will provide a recordable document(s) that identifies by suitable metes and bounds description or survey depiction the area of the lessor or abutter(s) property within the fall zone area outside of the area controlled by the developer, acknowledging the potential hazard for falling debris. Option 2: Where the owners of property within the area defined as a fall zone are agreeable to prohibiting the placement of structures within that area, then the owners of all property so affected shall provide a recordable easement which defines the area affected by suitable metes and bounds description or survey depiction of the area and which restricts the placement of structures within that area for the duration of time that the support structure is in place.

The distance requirement for the fall zone shall be provided on the developer's property or property of the lessor if the developer is leasing property to locate the structure. The Planning Board, however, may decrease the amount of the fall zone on the developer or lessor's property by allowing a portion of the fall zone to extend into the abutting property(s). In such instance, however, the support structure may not be sited closer to the abutting property line than the minimum front, side and/or rear setback requirement of the zone and district in which the fall zone is located and the combined distance from the boundary and the portion of setback on the abutting property(s) shall be equivalent to the fall zone radius.

The 125% setback shall not apply to Existing Wireless Communication Facilities installed within Nonresidential Structures.

Andrew Deci explained that the Planning Board had worked on the Fall Zone and what can happen in that Zone and the Planning Board had unanimously approved this Ordinance.

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

Madame Chair Eosco opened the Public Hearing. Seeing no public comment, she closed the Public Hearing portion of this item.

**ROLL CALL VOTE:**

**YEAS: Brackett, Page, Rogers, Wyman, Bauer, Mitchell, Omo**

**NAYS: None**

**Ordinance passed unanimously. 7-0**

Madame Chair Eosco stated that the Ordinance will become law in 21 days.

**2) Bond Ordinance: Authorizing issuance of General Obligation Bonds in the amount not to exceed \$715,500 for the purpose of funding certain vehicles, equipment and other public facility improvements. (Second Passage)**

Madame Chair Eosco read Section 1 of this Ordinance. Councilor Omo made a motion to waive the reading of the rest of the Ordinance. Councilor Wyman seconded the motion.

**VOTE on Waiving Motion:**

**YEAS: 6**

**NAYS: 1 (Rogers)**

**BOND ORDINANCE**

**AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED \$715,500 FOR THE PURPOSE OF FUNDING CERTAIN VEHICLES, EQUIPMENT AND OTHER PUBLIC FACILITY IMPROVEMENTS**

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

Section 1. That a sum of up to, but not to exceed, \$715,500, 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 projects, including issuance costs therefore:

- IT – Management - Servers
- Armory Roof
- Cemeteries - Truck and Trailer
- Cemeteries - Vault Roof
- Police Vehicle
- Public Works Truck Replacement
- Police and Fire Boat
- Firehouse Floor
- City Hall Roof
- Snowblower
- Track and Tennis Court Resurfacing

- Section 2. That, for the purpose of funding the aforesaid appropriation, the City Treasurer, with the approval of the Chair 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, \$715,500 under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.
- 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 Chair 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, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3), 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 eleven (11) years.
- Section 6. That the City Treasurer, with the approval of the Chair 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 Chair 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 prepayment and 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 Chair 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 \$715,500 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 Chair 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, Chair 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 Chair 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 Omo made a motion to put this Ordinance on the floor for discussion. Councilor Mitchell seconded the motion.

City Manager Giroux explained these were the items reviewed during the Council Budget Workshops.

Madame Chair Eosco opened the Public Hearing. Seeing no public comment, she closed the Public Hearing portion of this item.

**ROLL CALL VOTE:**

**YEAS: Omo, Mitchell, Bauer, Wyman, Rogers, Page, Brackett**

**NAYS: None**

**Ordinance passed unanimously.7-0**

Madame Chair Eosco stated that the Ordinance will become law in 21 days.

**3) Ordinance: Supplemental Appropriation in the amount of \$209,000.00. (Second Passage)**

Madame Chair Eosco 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 Two Hundred Nine Thousand Dollars (\$209,000.00), 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 Two Hundred Nine Thousand Dollars (\$209,000.00) be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account 01-2500-00) to the Council Contingency Account (Account 01-0012-402).

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

City Manager Giroux explained this was an annual appropriation to keep the City Budget within the Expenditure Limitation Cap. He stated that not too long into the future there would be no more money under the cap and the Council then would have to go to referendum to raise the money for the budget or make the City run on a very tight budget.

Madame Chair Eosco opened the Public Hearing. Seeing no public comment, she closed the Public Hearing portion of this item.

**ROLL CALL VOTE:**

**YEAS: Brackett, Page, Wyman, Bauer, Mitchell, Omo**

**NAYS: Rogers**

**Ordinance passed unanimously. 6-1**

Madame Chair Eosco stated that the Ordinance will become law in 21 days.

## D. Consent Agenda 6:14 PM

### 4\*) Minutes of the Regular Council Meeting on May 6, 2015, Public Hearing on City Budget and Special Council Meeting on May 20, 2015 and Items F9 through F22. (Motion to Accept as Presented)

Councilor Wyman 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 6:16 PM

Rabyrne Hutton of 195 High Street asked for an update on repairs to the various City sidewalks of which he had brought forth concerns at the last Regular Council Meeting

Public Works Director Peter Owen reported that Public Works Department and the Bike and Pedestrian Committee are working together to get a priority plan of repairs for all the sidewalks in the City.

## F. Ordinances, Resolutions and Orders 6:19 PM

### 5) Authorization to hold Heritage Days

#### BATH HERITAGE DAYS 2015

May 28, 2015

Ms. Mari Eosco, Chair  
Bath City Council  
55 Front Street  
Bath, ME 04530

Dear Ms. Eosco:

Main Street Bath, Inc. respectfully requests City Council endorsement for the 43<sup>rd</sup> Annual Bath Heritage Days Celebration scheduled for Thursday, July 2 – Sunday, July 5, 2015.

**Bath Heritage Days:** We seek permission to hold the 2015 Bath Heritage Days in downtown Bath, Waterfront Park and City Park from 2 p.m. on July 2 through 11pm on July 5. Events will include a 5K, Independence Day Parade, Boat Parade, BBQ, Firemen's Muster, Art in the Park a Made-in-Maine Craft Show, children's activities, live music on the Waterfront Dock and in the City Park Gazebo, Smokey's Greater Shows Carnival, an Antique Car Show, and Fireworks over the Kennebec River.

**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 written 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 begin Thursday, July 2 at 5pm and run daily July 3 through July 5 from 10:00 a.m. until 11pm.

**Traffic:** Carnival detour traffic will be designated from July 1-6 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 Thursday, 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 Thursday 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 2015 Heritage Days Parade will be held at 10:00am on Saturday, July 4<sup>th</sup>. 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 have fireworks viewing in the downtown area near Waterfront Park on Sunday July 5th. We will shoot the fireworks display from a barge in the river. We will have the proper license approval from the Maine State Fire Marshal.

**Trash:** Pine Tree Waste, Inc. will provide trash pickup and toilets. City and Waterfront Parks will be posted as tobacco free zones, with compliance requested but not enforced.

**Fees, 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 5th, 2015. With the City Council's endorsement we look forward to another community celebration of Independence Day and Bath's rich cultural heritage.

Sincerely,

Gayle Hunt, President, Main Street Bath  
C. Mary White

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

President of Main Street Bath, Gayle Hunt gave an overview of the upcoming festivities for Heritage Days. She reported that Heritage Days would run from July 2 -5 and would have the usual attractions such as the Parade on July 4<sup>th</sup> at 10 AM, Carnival starts operating the evening of July 2<sup>nd</sup>, Arts in the Park will be held on July 4<sup>th</sup> and 5<sup>th</sup>, there will be music on July 4<sup>th</sup> and 5<sup>th</sup> and the Fireworks will be on the night of July 5<sup>th</sup> starting at 9 PM. Ms. Hunt stated that the newly hired Director of Main Street Bath, Jacob Korb will be starting in mid-June.

Councilor Wyman made a motion to go forth with the Heritage Days Celebration. Councilor Mitchell seconded the motion. All were in favor of the motion.

**6) Order: Approving Bid and Contract with Crooker Construction LLC for the Landfill Project**

Madame Chair Eosco read the following Order:

**ORDER  
APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF CROOKER CONSTRUCTION LLC FOR THE 2015 BATH LANDFILL INTERMEDIATE COVER, LANDFILL GAS COLLECTION SYSTEM EXPANSION, AND ACCESS ROAD PROJECT IN THE AMOUNT OF \$232,844.00 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND CROOKER CONSTRUCTION LLC IS HEREBY APPROVED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT SHALL BE FUNDED FROM LANDFILL FUND (FUND 6) ACCOUNT 06-0665-560.

Councilor Rogers made a motion to put the item on the floor for discussion. Councilor Omo seconded the motion.

Deputy Public Works Director Lee Leiner gave an overview of the three items covered by this Construction Contract. He stated the rules for operating a landfill require that an intermediate cover be put on areas that are not being used for six months or more. The second item was the relocation of the access road to the landfill as it needed to be moved so that continuation of filling the area could be completed and the last item was that the ever higher growing mound of refuse has caused the need for more gas vents to be installed so that gas collection can be continued.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order Passed Unanimously. 7-0**

**7) Order: Approving Bid and Contract with Crooker Construction LLC for North Street Improvement Project.**

Madame Chair Eosco read the following Order:

**ORDER  
APPROVING BID AND CONTRACT**

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF CROOKER CONSTRUCTION, LLC FOR THE NORTH STREET IMPROVEMENT PROJECT IN THE AMOUNT OF \$1,174,978.20 IS ACCEPTED, IT BEING THE LOWEST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN



THE CITY OF BATH AND CROOKER CONSTRUCTION, LLC IS HEREBY APPROVED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT SHALL BE FUNDED BY THE BATH STREET BOND AND A MUNICIPAL PARTNERSHIP INITIATIVE GRANT FROM THE MAINE DEPARTMENT OF TRANSPORTATION.

Councilor Omo made a motion to put the item on the floor for discussion. Councilor Wyman seconded the motion.

Public Works Director Peter Owen gave a history of the road explaining that back in the 1930's the street was made extra wide due to safety reasons. He stated that the City received a grant which led to an engineering study and after a comprehensive look at the road with many different City Departments and local entity input. Mr. Owen gave an overview and timeline of the proposed project .

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order Passed Unanimously. 7-0**

**8) Order: Establishing Tax Club for the upcoming year.**

Madame Chair Eosco read the following Order:

**ORDER  
TAX CLUB FOR 2015 - 2016**

**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 2015 Tax Club begins July 1, 2015, and ends August 15, 2015; with the first of twelve payments due in September, 2015.

Councilor Mitchell made a motion to put the item on the floor for discussion. Councilor Roger seconded the motion.

City Manger Giroux explained how the process worked.

**VOTE:**

**YEAS: 7**

**NAYS: 0**

**Order Passed Unanimously. 7-0**

**9\*) Resolution: City Operating Budget**

**RESOLUTION – CITY OPERATING BUDGET**

**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, 2015 and terminating on June 30, 2016, be and hereby is adopted with a total expenditure of **\$10,149,214.00**, 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 3, 2015 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

**10\*) Resolution: City Capital Improvement Budget**

**RESOLUTION – CITY CAPITAL IMPROVEMENT BUDGET**

**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, 2015 and terminating on June 30, 2016, be and hereby is adopted with a total expenditure of **\$1262,601.00**, 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 3, 2015 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

**11\*) Resolution: Landfill Fund Component**

**RESOLUTION – LANDFILL FUND BUDGET**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE**, that the Landfill Fund Budget as reallocated and/or appropriated for the fiscal year commencing on July 1, 2015 and terminating on June 30, 2016, be and hereby is adopted with a total expenditure of **\$2,044,051.00** 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 3, 2015 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

**12\* Resolution: Sewer Utility Fund Budget**

**RESOLUTION – SEWER UTILITY FUND BUDGET**

**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, 2015 and terminating on June 30, 2016, be and is hereby adopted with a total expenditure of **\$2,161,378.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached to this Resolution on the following page.

*The Summary is on file with the agenda materials for the June 3, 2015 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

**13\*) Resolution: Bath City Bus Fund Budget**

**RESOLUTION – BATH CITY BUS FUND BUDGET**

**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, 2015 and terminating on June 30, 2016, be and is hereby adopted with a total expenditure of **\$142,889.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached to this Resolution on the following page.

*This Item was passed on the Consent Agenda.*

**14\*) Resolution: Bath Trolley and Transportation Budget**

**RESOLUTION – BATH TROLLEY AND TRANSPORTATION FUND BUDGET**

**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, 2015 and terminating on June 30, 2016, be and is hereby adopted with a total expenditure of **\$70,800.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached to this Resolution on the following page.

*The Summary is on file with the agenda materials for the June 3, 2015 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

**15\*) Resolution: to Increase the LD1 Tax Levy Limit**

**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 \$7,624,214.00 by the amount required by the adoption of the 2015-2016 budget (estimated increase \$0).

*This Item was passed on the Consent Agenda.*

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

**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 2015-2016 Fiscal Year.

*This Item was passed on the Consent Agenda.*

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

**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 2015-2016 Fiscal Year.

*This Item was passed on the Consent Agenda.*

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

**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, 2015 to June 30, 2016; 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.

*This Item was passed on the Consent Agenda.*

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

**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, 2015 and terminating on June 30, 2016, be and is adopted for the purpose of funding the accounts attached to this Resolution below:

## SPECIAL PURPOSE FUNDS - CITY

As of June 1, 2015

<b>0300 Special Purpose</b>	<b>0306 Forestry</b>	<b>0314 Recreation</b>
350 2Townlanding	310 Forestry – Proj Canopy-muscle	335 McMann Field Renovation
352 Butler Head Sugarbush	311 Forestry – USDA Interns	336 Rec Scholarship Fund
353 Butler Head Signs & Improvement	312 Forestry – Proj Canopy-apple	337 Community Garden
356 Downtown Signs	355 Forestry – Green Downtown	338 Soccer
357 Bike ME		339 ASA Softball
358 RT 1 Hotel	<b>0308 General Assistance</b>	340 Lacrosse
718 Tree Planting	307 Almoner Fund	341 Mens Softball League
731 Skate Park Committee	371 Charitable Contribution Fund	342 Little League Registrations
935 Assessor Records Preservation		343 Bath Babe Ruth League
964 Efficiency Maine PACE Grant	<b>0309 Planning Department</b>	344 Youth Football League
969 Police K9 Fund	652 Comprehensive Planning	345 Youth Cheerleading
8110 Swimming Pool Fund	653 Climate Adaption	347 Advertising Signs
8722 Bath Clocks Maintenance	<b>0310 LAMBERT PARK CC</b>	348 McMann Advertising
8787 Tourism	330 Lambert Park	349 Summer Meals Program
		748 Artworks
<b>0302 Cemetery and Parks</b>	<b>0312 Police Grants</b>	8720 Lambert Park Com. Center
253 Milled Lumber	318 Jumpstart	
301 Forestry Trust-Prin & Interest	320 Dare	
302 Forestry Committee	321 OUI Grant	
303 Druid Park	322 Juvenile Assistance Fund	
304 Vandalism & Damage	324 PD Bike Safety	
305 Cemetery Firewood	325 Under Aged Drinking	
379 BIW South End Park	326 Seatbelt Safety Program	
8675 Library Gazebo	327 Police Drug Forfeiture	
	328 Speed Enforcement	
<b>0304 Fire Department</b>	724 Bullet Proof Vest Program	
315 Fire Department Training		
316 FD HoverJack		

*This Item was passed on the Consent Agenda.*

### 20\*) Resolution: Authorizing Borrowing in Anticipation of Taxes for FY 2015-2016

#### **RESOLUTION AUTHORIZING BORROWING** **IN ANTICIPATION OF TAXES** **FOR FISCAL YEAR 2015-2016**

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, 2016, 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 Chair 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 Chair of the City Council and the City Manager, attested to by the Clerk, and shall be payable on or before June 30, 2016, out of money raised by taxation during the fiscal year ending June 30, 2016, 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, Chair 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, Chair 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.

*This Item was passed on the Consent Agenda.*

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

**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, 2015.

*The Proposed Rate Structure is on file with the agenda materials for the June 3, 2015 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

**22\*) Resolution: Setting Permit Parking Fees-Water Street Lot (west side), Commercial Street Lot and School Street**

**RESOLUTION SETTING PERMIT PARKING FEES  
WATER STREET LOT (WEST SIDE), COMMERCIAL STREET LOT, SCHOOL  
STREET**

WHEREAS, the City Council of the City of Bath has designated an area on the West side of Water street for parking by permit only, and

WHEREAS, the City Council of the City of Bath has also designated an area on the South side of School Street for parking by permit only, and

WHEREAS, the City Council of the City of Bath has further obtained authority to administer parking in the area on the West side of Commercial Street under the Sagadahoc Bridge, and

WHEREAS, Section 17-260(d) 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 fees for the use of the Water Street Lot (West side), Commercial Street Lot, and the designated parking areas on School Street, shall be Forty-Five Dollars (\$45.00) per month, for each location, effective beginning January 1, 2016, and for all subsequent months thereafter or until such time as amended by further Resolution of this Council.

*This Item was passed on the Consent Agenda.*

**23) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking. Section 17-259. Parking Restrictions - High Street (Winnegance) (first passage)**

Madame Chair Eosco read the following Ordinance:

**ORDINANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE CODE OF THE CITY OF BATH, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

**CHAPTER 17. VEHICLES AND TRAFFIC  
Article 6. Stopping, Standing and Parking**

**Section 17-259. Parking Restrictions**

High Street West Side:

Delete: From the West Bath line to Richardson Street, no parking.

Add: From the West Bath town line to the southerly line of Lot 19-1 on Tax Map 45, no parking. From the southerly line of Lot 19-1 to the Winnegance Store Entrance, 2 hour parking. From the Winnegance Store Entrance to the driveway entrance to Lot 21 on Tax Map 45, no parking. From North of the driveway entrance to Lot 21 on Tax Map 45 to the North Line of Lot 21 on Tax Map 45, 2 hour Parking. From the North Line of Lot 21 on Tax Map 45 to Richardson Street, no parking.

High Street East Side:

Delete: From West Bath town line to Pine Street, no parking.

Add: From the West Bath town line to the Southern end of the East Side of the traffic median located between High Street and Bridge Street, no parking. From the Southern end on the East side of the traffic median between High Street and Bridge Street to the Northern end of the traffic median, 2 hour parking. From the Northern end of the East side of the traffic median to Pine Street, no parking.

Councilor Omo made a motion to put this item on the floor for discussion. Councilor Wyman seconded the motion.

City Planner Andrew Deci explained the history and details behind this item.

**ROLL CALL VOTE:**

**YEAS: Omo, Mitchell, Bauer, Wyman, Rogers, Page, Brackett**

**NAYS: None**

**Ordinance Passed Unanimously. 7-0**

Madame Chair Eosco set second passage of the Ordinance for July 1, 2015 at 6:01PM.

**24) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking. Section 17-259. Parking Restrictions – Commercial Street (Hampton Inn) (first passage)**

Madame Chair Eosco read the following Ordinance:

**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**

**Commercial Street West Side:**

Delete: From Summer Street to Front Street, No Parking.

Add: From the North Side of Summer Street running 186 feet, No Parking. From a point 186 feet North of Summer Street to a point 319 feet North of Summer Street, 4 hour Parking. From a point 319 feet North of Summer Street to Front Street, No Parking.

**Commercial Street East Side:**

Delete: From a point 170 feet North of the northerly side of Summer Street and running North 275 feet, 4 hour parking. From a point 445 feet North of the northerly side of Summer Street to Front Street, No Parking.

Add: From a point 170 feet North of the northerly side of Summer Street to Front Street, No Parking.

Councilor Omo made a motion to put this item on the floor for discussion. Councilor Bauer seconded the motion.



City Planner Andrew Deci gave an overview of details regarding this item.

**ROLL CALL VOTE:**

**YEAS: Brackett, Page, Rogers, Wyman, Bauer, Mitchell, Omo**

**NAYS: None**

**Ordinance Passed Unanimously. 8-0**

Madame Chair Eosco set second passage of the Ordinance for July 1, 2015 at 6:02PM.

**25) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking. Section 17-259. Parking Restrictions – Front Street (Hampton Inn) (first passage)**

Madame Chair Eosco read the following Ordinance:

**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**

**Front Street East Side:**

Delete: From a point 39 feet north of the said fire hydrant to Bowery Street, no parking. (4/4/12)

Add: From a point 39 feet north of the said fire hydrant to Summer Street, No Parking. From the North side of Summer Street running North 310 feet, No Parking. From a point 310 feet North of Summer Street to a point 430 feet North of Summer Street, 4 hour Parking. From a point 430 feet North of Summer Street to Bowery Street, No Parking.

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

City Planner Andrew Deci gave an overview of the details of this item.

**ROLL CALL VOTE:**

**YEAS: Omo, Mitchell, Bauer, Wyman, Rogers, Page, Brackett**

**NAYS: None**

**Ordinance Passed Unanimously. 7-0**

Madame Chair Eosco set second passage of the Ordinance for July 1, 2015 at 6:03PM.

**G. Petitions & Communications 6:53 PM**

Councilor Rogers stated that he will be resigning at the end of the meeting and will be going to England for work. He wished Council all the best and thanked his Ward 3 constituents for their support over his years of service on Council.

#### **H. City Manager's Report 6:55 PM**

The City Manager gave no report.

#### **I. Committee Reports 6:56 PM**

Councilor Omo reported that the Reapportioning Committee for RSU #1 had reached an agreement and it would be out to the public soon.

Councilor Eosco reported that the Bath Housing Authority Board has received a grant of \$500,000 for the Tarbox Street Project.

#### **J. Unfinished Business 6:58 PM**

There was no unfinished business.

#### **K. New Business 6:58 PM**

There was no new business.

#### **L. Councilor Announcements 6:58 PM**

Councilor Wyman thanked Daniel Eosco and Shane McKenna for their stepping in and doing such a great job at getting the Memorial Day Parade together in such a short time.

Councilor Paulhus took his seat at this time.

Councilor Eosco reported on the Bath Regional Information Center located at the Train Station and urged everyone to visit it.

The meeting adjourned at 7:01 PM with a motion by Councilor Wyman, seconded by Councilor Mitchell. 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.*