

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting

Wednesday, June 7, 2017 6:00pm
City Council Chambers, Bath City Hall

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

A. Pledge of Allegiance

B. Roll Call

C. Public Hearing:

1) Bond Ordinance: Authorizing issuance of General Obligation Bonds in the amount not to exceed \$621,000.00 to finance the purchase of various City vehicles and equipment. (second passage)

2) Ordinance: Supplemental Appropriation in the amount of \$289,000.00. (second passage)

D. Consent Agenda

(Items as marked with an asterisk () on the agenda shall be considered routine matters not requiring debate. In the case of items marked with an asterisk, the motion as stated in parenthesis following the items on the agenda shall be considered to have been passed by the City Council as part of the Consent Agenda. Any Councilor wishing to have any item so marked with an asterisk removed from the Consent Agenda shall have the unlimited right to do so at any time prior to the vote by Council on the Consent Agenda. If such an item is removed from the Consent Agenda, it shall be dealt with in the normal course of the meeting.)*

3*) Minutes of the Regular Council Meeting on May 3, 2017, Public Hearing on City Budget and Special Council Meeting on May 17, 2017 and Items F4 and F9 through F22. (Motion to Accept as Presented)

E. Time Devoted to Residents to Address The City Council

F. Ordinances, Order and Resolutions:

4*) Appointments of Political Party Nominees for the Voter Registration Appeals Board: Democratic Nominee: Louis Ensel, Democratic Alternate: Barbara Reinertsen, Republican Nominee: Rabyrne Hutton, Republican Alternate: Geniene Marco Terms to expire March 2020.

5) Authorization to hold Heritage Days (vote)

6) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-259. Parking Restrictions, Middle Street-East Side. (first passage)

7) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping, Standing and Parking, Section 17-210. One-Way Streets, Andrews and Cobb Roads. (first passage)

8) Order: Establishing Tax Club for the upcoming year

F. Ordinances, Order and Resolutions: CONT'D

9*) Resolution: City Operating Budget

10*) Resolution: City Capital Improvement Budget

11*) Resolution: Landfill Fund Budget

12*) Resolution: Sewer Utility Fund Budget

13*) Resolution: Bath City Bus Fund Budget

14*) Resolution: Bath Trolley and Transportation Budget

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

16*) Resolution: Establishing interest rate on all delinquent taxes at the rate of 7.0% per annum

17*) Resolution: Establishing interest rate on delinquent sewer bills at the rate of 7.0% per annum

18*) Resolution: Establishing interest rate on refunds due to tax abatements at the rate of 3.0% per annum

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

20*) Resolution: Authorizing Borrowing in Anticipation of Taxes for FY 2017-2018

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

22*) Resolution: Annual Downward Adjustment to the Percentage of Captured Assessed Value in the Wing Farm Tax Increment Financing District.

G. Petitions & Communications

H. City Manager's Report

- Mid Coast Community Alliance Report

I. Committee Reports, if any

J. Unfinished Business

K. New Business

L. Councilor Announcements

ADJOURN

BOND ORDINANCE

AUTHORIZING UP TO \$621,000 OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE ACQUISITION OF VEHICLES AND EQUIPMENT

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, \$621,000, plus the sale premium of and investment earnings on the bonds authorized in Section 2 below, is hereby appropriated for the purpose of funding the following projects, including issuance costs therefore:

- Fire Chief Vehicle
- Cemeteries Chipper
- Police Vehicle
- Ambulance
- Plow Truck
- Dump Truck
- Street Sweeper

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 or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$621,000 under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.

Section 3. That any and all bonds 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 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 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 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 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 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 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 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 \$621,000 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 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 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 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 11 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.

First Passage
CITY OF BATH MAINE
IN CITY COUNCIL
May 17, 2017

RECEIVED READ AND ACCEPT
☐ TABLED ☒ GRANTED ☐ PASSED ☐ FAILED
REFERRED TO: _____
ATTEST *[Signature]*
CITY CLERK

Second Passage
CITY OF BATH MAINE
IN CITY COUNCIL
June 7, 2017

RECEIVED READ AND ACCEPT
☐ TABLED ☐ GRANTED ☐ PASSED ☐ FAILED
REFERRED TO: _____
ATTEST _____
CITY CLERK



CITY OF BATH
FINANCE DEPARTMENT

Juli Millett, Finance Director
Linda McCourt, Staff Accountant
Susan Hunt, Payroll Supervisor
Telephone (207) 443-8338

jmillett@cityofbath.com
lmccourt@cityofbath.com
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Fax (207) 443-8397

May 10, 2017

To: City Council Members

From: Juli Millett, Finance Director

CC: Bill Giroux, City Manager

Re: May 17 Special City Council Meeting

Special Meeting Agenda Item IV – Bond Ordinance: Authorizing issuance of a General Obligation Bond in the amount not to exceed \$621,000 for the purpose of funding certain vehicles and equipment. (First Passage) - This is the borrowing ordinance for the FY 2018 Capital items, as per the Council discussion during the budget workshops. This is the first passage and the second passage will be June 7. Items included in the borrowing are as follows:

Name of Equipment	Cost	City's down Payment	Amount to be Financed	Term
Fire Chief Vehicle	\$ 35,000.00	\$ 25,000.00	\$ 10,000.00	2 Years
Cemeteries Chipper	\$ 47,000.00	\$ 30,500.00	\$ 16,500.00	3 Years
Police Vehicle	\$ 33,500.00	\$ 13,000.00	\$ 20,500.00	3 Years
Ambulance	\$ 240,000.00	\$ 55,000.00	\$ 185,000.00	5 Years
Recreation - 1 ton Truck with Plow	\$ 50,000.00	\$ 12,000.00	\$ 38,000.00	5 Years
PW Dump Truck	\$ 175,000.00	\$ 17,500.00	\$ 157,500.00	10 Years
PW Street Sweeper	\$ 215,000.00	\$ 21,500.00	\$ 193,500.00	10 Years
	\$ 795,500.00	\$174,500.00	\$ 621,000.00	

Special Meeting agenda item V – Ordinance: Supplemental Appropriation in the amount of \$289,000 (First Passage) This item is the calculation of the City of Bath expenditure limitation and moving forward the room available under the limitation to future years. This has been done by the Council every year since the expenditure limit was adopted to reserve the available space under the limit for future use. This is also the first passage and the second passage will also be June 7.

C2

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 Eighty-Nine Thousand Dollars (\$289,000.00), 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 Eighty-Nine Thousand Dollars (\$289,000.00 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).

First Passage
CITY OF BATH MAINE
IN CITY COUNCIL
May 17, 2017
RECEIVED READ AND ACCEPT
☒ TABLED ☒ GRANTED ☒ PASSED ☐ FAILED
REFERRED TO: *Mayor J. White*
ATTEST *[Signature]*
CITY CLERK

Second Passage
CITY OF BATH MAINE
IN CITY COUNCIL
June 7, 2017
RECEIVED READ AND ACCEPT
☐ TABLED ☐ GRANTED ☐ PASSED ☐ FAILED
REFERRED TO: _____
ATTEST _____
CITY CLERK

CERTIFICATION OF REVENUES IN EXCESS OF BUDGET ESTIMATES

I, William D. Giroux, pursuant to Section 611 (A) of the Charter of the City of Bath, hereby certify to the City Council of the City of Bath that there are available for appropriation revenues in excess of those estimated in the Budget, to the extent of at least Two Hundred Eighty-Nine Thousand Dollars (\$289,000.00). The source of these funds is additional surpluses in the General Fund Undesignated Fund Balance Account which have been verified over and above those included in revenue in the 2015/16 Fiscal Year Budget. The amount of surplus has been verified by the Auditor, and is available for supplemental appropriation pursuant to the opinion of the City Solicitor.

Respectfully Submitted,

**William D. Giroux
City Manager**

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

Wednesday, May 3, 2017 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo and Madame Chair Eosco.

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 read the following Proclamation:

**PROCLAMATION
ARBOR WEEK**

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

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

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

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

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

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

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BATH, MAINE, HEREBY PROCLAIMS THE WEEK OF MAY 21st - 27th AS

ARBOR WEEK

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

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

DATED this 3rd day of May 2017

Council unanimously approved the Proclamation.

C: Public Hearing: 6:02 PM

1) Ordinance: Chapter 17. Vehicles and Traffic, Article 6. Stopping , Standing and Parking, Section 17-259. Parking Restrictions, Washington Street, East Side. (second passage)

Councilor Omo made a motion to waive the reading of the following Ordinance. Councilor Comeau seconded the motion. All were in favor of the 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 17. VEHICLES AND TRAFFIC

Article 6. Stopping, Standing and Parking

Section 17-259. Parking Restrictions

Washington Street East Side

Delete the following:

From a point across from the north side of Bath Street and running 60 feet northerly, 6:00 a.m. to 1:00 a.m., fifteen-minute parking. From a point across from the north side of Bath Street and running 60 feet northerly, 6:00 a.m. to 1:00 a.m., fifteen-minute parking. From a point 60 feet north of Bath Street to South Street, 2 hour parking. From South Street running northerly to a point 100 feet north of the southerly entrance to the BIW Panel Shop, 2 hour parking. From a point 100 feet north of the southerly entrance to the BIW Panel Shop to a point 195 feet south of the northerly entrance to the BIW Panel Shop, No Restrictions. From South Street to a point 195 feet south of the south side of the northerly entrance to the BIW Panel Shop, No Restrictions. From a point 195 feet south of the southerly side of the northerly entrance of the BIW panel shop for a distance of 185 feet, 6:00 a.m. to 5:00 p.m., Bus Parking; From 5:00 p.m. to 2:00 a.m. no restrictions; from 2:00 a.m. to 6:00 a.m., No Parking. From a point which is the northerly terminus of the bus parking area to Union Street, 2 hour parking.

Replace with the following:

From a point across from the northerly side of South Street and running northerly 480 feet, permit Parking; From a point 480 feet northerly from a point across from the northerly side of South Street and running northerly 250 feet to the southerly side of Union Street, 2 hour parking.

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

Devin Hook, Bath Police Department Parking Officer, stated this Ordinance change had been worked on since 2015 to clean up the parking zone between South and Union Streets. He stated that this change will allow about 20 permitted spaces for the City.

Madame Chair Eosco opened the Public Hearing for comment. Since there was no comment, she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo

NAYS: None

Ordinance passed unanimously. 8-0

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

2) Ordinance: Chapter 17. Vehicles and Traffic, Article 4. Pedestrians, Section 17-154. Crosswalks – Richardson Street (second 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 4. Pedestrians

Section 17-154. Crosswalks.

Add:

“Crosswalk across Richardson Street, at the intersection of Western/Redlon and Richardson Streets.”

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

City Planner Andrew Deci explained the Hyde School had asked that a crosswalk be striped at the intersection of Redlon Road and Richardson Street and the Bike and Pedestrian and the Transportation Committees also were recommending this be done.

Madame Chair Eosco opened the Public Hearing for comment. Since there was no comment, she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Omo, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Page

NAYS: None

Ordinance passed unanimously. 8-0

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

3) Ordinance: Land Use Zoning Map Code Change - Adding Zoning District “S” School (second passage)

Madame Chair Eosco read the following Ordinance:

ORDINANCE

WHEREAS, the City Council of the City of Bath, as part of the adoption of the Bath Land Use Code on July 19, 2000, effective August 9, 2000, depicted the boundaries of all Land Use Districts on a Zoning Map of the City of Bath, also dated July 19, 2000, incorporated by reference into the Land Use Code pursuant to the provisions of Section 7.02 of the said Code; and

WHEREAS, it is necessary and appropriate that the boundaries of the Land Use Districts be, from time to time, adjusted and amended, in order to create new Districts and adjust boundary lines of existing Districts.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bath that the Zoning Map of the City of Bath, dated July 19, 2000, be and hereby is amended in accordance with the new official Zoning Map of the City of Bath, affixed hereto and made a part hereof and a part of the Land Use Code. The specific adjustments are as follows:

Rezoning of property located under and around the following facilities, to a new zoning district ("S" - School) for public and private school facilities:

- a. Bath Middle School and McMann Athletic Complex, located at 6 Old Brunswick Road, Tax Map 22, Lot 17
- b. Wing Farm Business Park, Phase II, located at the northern terminus of Wing Farm Parkway, Tax Map 24, Lots 15, 16, 17, 18, 19, 20, and portions of 4

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

City Planner Andrew Deci explained that the present zoning at the proposed site of the new high school is under the C3 Business Park Zoning District, which does not allow schools. He stated that the Planning Board has proposed establishing a new School Zoning District which would include the proposed site of the new school, Bath Middle School and McMann Field.

Madame Chair Eosco opened the Public Hearing for comment. Since there was no comment, she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo

NAYS: None

Ordinance passed unanimously. 8-0

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

4) Ordinance: Land Use Code Amendments - Article 8: District Regulations and Article 9: Uses (second passage)

Councilor Omo made a motion to waive the reading of the following Ordinance. Councilor Park seconded the motion. All were in favor of the 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 8: DISTRICT REGULATIONS

Add a new Section 8.25 as follows:

SECTION 8.25 School District – S

A. Purpose

The School District provides for the location and establishment of public and private school facilities and their ancillary needs.

B. Uses Allowed

Uses allowed are as indicated in the Land Use Table (see Section 9.02).

C. Space and Bulk Regulations

MINIMUM LOT AREA	
1. All single uses	6,000 square feet
2. Mixed or multiple uses	6,000 square feet for each use
MINIMUM LOT WIDTH PER LOT	
1. All uses	60 feet
MINIMUM SETBACK	
1. Front	10 feet
2. Side	10 feet
3. Rear	15 feet
4. From waterbodies	25 feet
MINIMUM YARD AREAS	
1. Front	6 feet
2. Side	6 feet
3. Rear	6 feet
4. From waterbodies	25 feet
MAXIMUM LOT COVERAGE	
All uses	80 percent
MAXIMUM BUILDING HEIGHT	
1. All uses	75 feet

ARTICLE 9: USES

Amend Section 9.02 by inserting the underlined text, as follows:

SECTION 9.02 LAND USE TABLE

The following Land Use Table indicates which uses of land or structures are allowed with no review, allowed with review by only the CEO, allowed after Site Plan Approval, or not allowed in the various zones. The most specific land use category always controls. It is the responsibility of the CEO to determine the land use category of any new or existing use.

KEY:

R1 - High-density Residential District
R2 - Medium-density Residential District
R3 - Low-density Residential District
R4 - Waterfront High-density Residential District [amended May 16, 2001]
R5 - Waterfront Activity District
R6 – Waterfront Medium-density Residential District [added May 16, 2001]
C1 - Downtown Commercial District
C2 - Mixed Commercial and Residential District [amended September 22, 2010]
Neighborhood Commercial District – NC [added May 26, 2010]
C3 - Business Park District
C4 - Route 1 Commercial Contract District C5 - Marine
Business District
I - Industrial/Shipyard District GC - Golf
Course District
PH – Plant Home District [added March 24, 2010]
M – Museum District [added August 25, 2010]
RP - Resource Protection District
NRPO - Natural Resource Preservation Overlay District TMC - Trufant
Marsh Contract District
S – School District

“A” = the use is allowed with no review

“C” = the use is allowed with review by and approval from the CEO “S” = the use may require Site Plan Approval. See Article 12.

“N” = the use is not permitted; therefore, prohibited in that zone

A copy of the SECTION 9.02 LAND USE TABLE is on file in the City Clerk's Office at 55 Front Street, Bath, Maine with the Agenda Materials for the April 5, 2017 Regular Council Meeting.

Councilor Paulhus made a motion to put these Ordinances on the floor for discussion. Councilor Omo seconded the motion.

Madame Chair Eosco opened the Public Hearing for comment. Since there was no comment, she closed the Public Hearing.

ROLL CALL VOTE:

YEAS: Omo, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Page

NAYS: None

Ordinance passed unanimously. 8-0

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

D. Consent Agenda 6:11PM

*5) Minutes of the previous Council meeting of April 5, 2017 and Item F6. (motion to Accept as Presented)

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

E. Time Devoted to Residents to Address the City Council 6:12 PM

No one spoke.

F. Orders, Ordinances and Resolutions: 6:12 PM

F6*) Order: Appointing City Arborist/Tree Warden (annual appointment)

Madame Chair Eosco read the following Order:

ORDER

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

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

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

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

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

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

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

7) Drug Forfeiture

STATE OF MAINE
Sagadahoc, ss

UNIFIED CRIMINAL COURT
Docket No. CR-17-225

State of Maine	}	
	}	
v.	}	Municipality of Bath
	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Dashawn Gill,	}	
Defendant;	}	
	}	
And	}	
	}	
One Diamondback .380 ca. handgun,	}	
Defendant(s) In Rem #1	}	
	}	
\$1,011.00 U.S. Currency	}	
Defendant(s) In Rem #2	}	

NOW COMES the municipality of Bath, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) In Rem #2 (\$505.50 U.S. Currency), or any portion thereof, on the grounds that the Bath Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Bath, Maine does hereby approve of the transfer of the Defendant(s) In Rem #2, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Bath municipal legislative body on ~~exhibit~~
May 3, 2017

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

Lieutenant Robert Savary explained the details of this forfeiture and where the money would go.

VOTE:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

8) Order: Establishment of Facilities Committee

Madame Chair Eosco read the following Order:

ORDER ESTABLISHING MUNICIPAL FACILITIES COMMITTEE

WHEREAS, the City of Bath has numerous buildings and facilities which require ongoing maintenance, repairs, renovations and, in some cases, new construction; and

WHEREAS, it is of benefit to the City that there be established a Council Committee which shall be responsible to monitor the condition of those facilities and to establish protocols for necessary maintenance, repairs, renovations, or replacement; and

WHEREAS, attention needs to be paid to long-term planning for City facilities as well as addressing the funding necessary to assure their functionality in order to effectively serve the public and for maintenance, repairs, renovations, and new construction of such facilities; and

WHEREAS, this Committee will provide a formal structure to address issues related to municipal facilities.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that a Municipal Facilities Committee be and hereby is established in accordance with the following:

- It shall be the mission of the Committee to create a Master Plan for municipal buildings as listed below, in order to assure sustainable financing and assure proper due diligence for potential and ongoing rehabilitation, repairs and/or new construction of municipal facilities within the City of Bath. It shall be the further responsibility of the Committee to evaluate and make recommendations to the City Council on projects aimed at improving, or replacing, the following municipal buildings and/or the infrastructure that supports such buildings:
 - ◆ Bath Fire Department
 - ◆ Bath Police Department
 - ◆ Bath Public Works Garage and accessory buildings
 - ◆ Bath Recreation Department
 - The Donald N. Small School
 - The Cemetery Barn
 - The Bath Youth Meetinghouse and Skate Park
 - Edward J. McMann Outdoor Athletic Complex and auxiliary parking
 - ◆ Bath City Hall
 - ◆ Any current or future vacant school facilities
 - ◆ Any other buildings or facilities acquired by the City

The Council reserves the right to add to or remove from this list any buildings and/or facilities as deemed appropriate.

- The membership of the Committee shall consist of not less than 3 or more than 5 City Councilors appointed annually by the City Council Chair at the time of other City Council appointments.
- Ex-Officio Members shall include: City Manager; Police Chief; Fire Chief; Public Works Director; Recreation Director; Facilities Director; City Planner.
- Meetings shall occur as determined by the Chair of the Committee. The Chair shall be elected by the Committee.
- The Committee may adopt its own Rules of Procedures, set its meeting time and location, provide for appropriate public notice of its meetings, and to determine its own internal management.

Councilor Paulhus made a motion to put this Item on the floor for discussion. Councilor Omo seconded the motion.

City Manager Giroux explained the details of the reasons for the establishment of this committee.

VOTE on Order:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

G. Petitions & Communications 6:20 PM

There were no petitions or communications.

H. City Manager's Report 6:20 PM

There was no City Manager's Report.

I. Committee Reports 6:20 PM

Councilor Paulhus reported the Transportation Committee is working very hard on how Councilors and City Staff should respond to citizens with questions and they are going over the Traffic Study for the South End.

Councilor Comeau reported for the Bicycle and Pedestrian Committee that May is National Bike Month and Bath would be holding a Tour de Bath on Bike to Work Day Friday, May 19th starting at 7AM at the Bath YMCA and there would be a Bath Road Safety Forum held at Bath City Hall Auditorium Thursday, May 11th at 6-8PM.

Councilor Park reported the Community Forestry Committee would be holding an Invasive Species Workshop on June 17th at Butler Head and gave an update on how the Tree Warden was doing getting rid of the Brown Tail Moths on City properties. He urged residents to take care of any infestations on their properties in the next couple of weeks. Councilor Nordmann stated that a volunteer group was getting together to help the Tree Warden fight this infestation throughout the City.

Madame Chair Eosco reported for Main Street Bath regarding the May Fair Weekend Events to be held on May 6th and 7th.

J. New Business 6:28 PM

9) Appointment of 3 members to the Bath Bicycle and Pedestrian Committee with term expirations of May 2020.

On behalf of the Appointment Interview Committee, Councilor Wyman nominated Kevin Shute, Robert McChesney and Sharon Wilbraham to these positions. All were in favor of the nominations.

K. Councilor Announcements 6:29 PM

Councilor Paulhus reported that on May 20th there would be the dedication of a bench in Waterfront Park in memory of Sergeant Merle D. Niles, a Bath Police Officer, whose 1961 death was from an injury in the line of duty.

Councilor Comeau recommended a letter from the Council be sent to Maine Department of Transportation regarding the outstanding work that had been done on getting the viaduct opened 25 days ahead of schedule. Madame Chair added that congratulations should go off to Reed and Reed of Woolwich, the company that did the excellent and expedient work on the viaduct. City Manager Giroux stated that a letter would be drafted and brought to Council for approval to be sent.

Councilor Comeau complimented the City Staff and City Manager on the excellent presentation of the Preliminary 2018 Budget to Council.

Councilor Nordmann requested that the City somehow let all eligible citizens be notified of property tax exemptions that they may be eligible for. City Manager Giroux stated that City Staff would look into getting that done.

Councilor Eosco stated there would be a City Budget Public Hearing on May 17th at 6PM in the Bath City Hall Auditorium.

Councilor Comeau reminded the public of the RSU #1's Public Budget Hearing to be held on May 30th at 6PM in the Bath Middle School Gymnasium.

L. Unfinished Business 6:36 PM

10) Presentation of Responses to RFP Request for 26 Summer Street

Scott LaFlamme gave a brief history on the RFP process and stated there were two RFP's received - one from The Szanton Company and Bath Housing and one from The NewHeight Group.

Their RFP proposals are on file with the Agenda Materials for the May 5, 2017 Meeting in the City Clerk's Office.

Barbara Gaul of 838 Washington Street, Wayne Cochran of 33 Lincoln Street and Nancy Carlton, Realtor in Bath, spoke in favor of the Szanton Company's proposal citing the need for low to medium rentals in Bath.

Thomas Rice of 40 Summer Street expressed his concerns regarding downtown and winter parking issues that could arise from the creation of the rental units.

Councilor Page made a motion at 8:05 PM to go into Executive Session to continue the discussion on the Real Estate Matter per 1 MRSA §405(6)(C) – 26 Summer Street. Councilor Bauer seconded the motion. All were in favor of the motion.

Jeffrey Knuckles of Phippsburg spoke as a member of Bath Housing Board giving credit to the BHA staff for the wonderful job they do maintaining the properties they oversee and would bring this same experience to the rentals proposed by Szanton Company.

CR Davis of Woolwich asked what the next step in the process would be. City Manager William Giroux explained the Council would review the proposals in Executive Session. He stated this could be a long process and there was no timetable to making a decision.

Councilor Comeau made a motion at 8:49 PM to come out of Executive Session. Councilor Omo seconded the motion. All were in favor of the motion.

The meeting adjourned at 8:50 PM with a motion by Councilor Comeau, seconded by Councilor Omo. All were in favor of the adjournment.

Attest:



Mary J. White, City Clerk

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

BUDGET PUBLIC HEARING MINUTES
City Council of the City of Bath, Maine
Wednesday, May 17, 2017 6:00 PM
Bath City Hall Auditorium

Councilors Present: Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo and Madame Chair Eosco

PUBLIC HEARING - City of Bath 2017-2018 Combined Budget

Madame Chair Eosco called the Hearing to order at 6:00 PM. She welcomed everyone.

City Manager William Giroux gave an overview of the Combined City Budget. He stated the entire City Budget would come in with a .73% tax increase and the County with a .37% and RSU #1 with an increase of 1.81% to their budget. With a reduction of real estate allocation WF TIF of -1.00% resulting in a proposed property tax increase of 1.90%.


COMBINED CITY BUDGET
2017-2018

City Operating Fund	\$10,507,395
Landfill Fund	\$1,813,643
Sewer Fund	\$2,213,280
City Capital (excluding Bonded)	\$885,372
Overlay	\$88,870
Bath City Bus	\$147,572
Train Station /Trolley	\$54,350
Total Combined	\$15,710,482

Madame Chair Eosco opened the hearing to public comment.

Seeing no comments or questions, Madame Chair Eosco closed the Public Hearing at 6:03 PM and went directly into the Special Council Meeting.

Attest:


Mary J. White, City Clerk

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

**SPECIAL MEETING MINUTES
City Council of the City of Bath, Maine
Wednesday, May 17, 2017
Followed the Public Budget Hearing
Bath City Hall Auditorium**

Councilors Present: Page, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Omo and Madame Chair Eosco

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

I. Order: To prepare and post Notice of Election for the State of Maine Referendum Election to be held on June 13, 2017. (6:03 PM)

Madame Chair Eosco read the following Order:

ORDER

In City Council
May 17, 2017

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

That, the Notice of State of Maine Referendum Election be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Referendum Election will be held at Bath Middle School, 6 Old Brunswick Road, on Tuesday, June 13, 2017 for the purpose of determining the following question:

Question To Be Voted On:

Question1: Bond Issue:

Do you favor a \$50,000,000 bond issue to provide \$45,000,000 in funds for investment in research, development and commercialization in the State to be used for infrastructure, equipment and technology upgrades that enable organization to gain and hold market share, to increase revenues and to expand employment or preserve jobs for Maine people, to be awarded through a competitive process to Maine-based public and private entities, leveraging other funds in a one-to-one ration and \$5,000,000 in funds to create jobs and economic growth by lending to or investing in small businesses with the potential for significant growth and strong job creation?

A person may register to vote and/or enroll in a political party on or before election day. Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed on June 13, 2017 at the Bath Middle School at 6 Old Brunswick Road and will be processed from 5:00 PM-8:00 PM until all ballots have been processed at the Bath Middle School, 6 Old Brunswick Road.

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

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

There were no Council or Public comments.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

II. Order: To prepare and post warrant for Regional School Unit #1 Budget Validation Election to be held on June 13, 2017. (6:06 PM)

Madame Chair read the following Order:

ORDER

In City Council
May 17, 2017

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT:

Warrants be prepared and issued to notify and summons the inhabitants of the City of Bath, qualified to vote, that the Regional School Unit #1 Budget Election will be held on the Tuesday following the second Monday of June, the same being the 13th day of said month, in the Year of our Lord Two Thousand Seventeen, at 8' O'clock in the forenoon, then and there, to cast their votes for the following question:

Question 1: Do you favor approving the Regional School Unit #1 budget for the upcoming school year that was adopted at the latest Regional School Unit budget meeting and that includes locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

and, be it further ordered, that said polls are to be kept open until eight o'clock in the afternoon of said day and then be closed.

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

There were no Council or Public comments.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

III. Order: To set Registrar's Hours for the State Referendum and RSU #1 Elections to be held on June 13, 2017. (6:08 PM)

Madame Chair Eosco read the following Order:

ORDER

Be It Ordered by the City Council of the City of Bath, that the hourly schedule for the office of the Registrar of Voters shall be from 8:30am to 4:30pm Monday through Friday prior to the State of Maine Referendum Election and RSU #1 Budget Validation Election to be held Tuesday, June 13, 2017 except for Tuesday, June 6, 2017 from 5:00pm to 7:00pm at the City Clerk's Office, 55 Front Street.

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

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

There were no Council or Public comments.

VOTE:

YEAS: 8

NAYS: 0

Order passed unanimously. 8-0

IV. Bond Ordinance: Authorizing issuance of a General Obligation Bond in the amount not to exceed \$621,000.00 for the purpose of funding certain vehicles, equipment. (first passage) (6:09 PM)

Councilor Omo made a motion to waive the reading of the Ordinance. Councilor Comeau seconded the motion.

VOTE on waiving motion:

YEAS: Nordmann, Wyman, Omo, Comeau, Bauer, Park

NAYS: Page, Paulhus

Motion passed. 6-2

BOND ORDINANCE

AUTHORIZING UP TO \$621,000 OF THE CITY'S GENERAL OBLIGATION BONDS TO FINANCE THE ACQUISITION OF VEHICLES AND EQUIPMENT

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, \$621,000, plus the sale premium of and investment earnings on the bonds authorized in Section 2 below, is hereby appropriated for the purpose of funding the following projects, including issuance costs therefore:

- Fire Chief Vehicle
- Cemeteries Chipper
- Police Vehicle
- Ambulance
- Plow Truck

- Dump Truck
- Street Sweeper

- ✧ **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 or notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$621,000 under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.
- Section 3.** That any and all bonds 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 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 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 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 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 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 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 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 \$621,000 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 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 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 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 11 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 Bond Ordinance on the floor for discussion. Councilor Paulhus seconded the motion.

City Manager Giroux gave details regarding this Bond Ordinance.

There were no Council or Public comments.

ROLL CALL VOTE on Bond Ordinance:

YEAS: Page, Paulhus, Nordmann, Wyman, Omo, Comeau, Bauer, Park

NAYS: None

Ordinance passed unanimously. 8-0

Madame Chair Eosco set second passage of this Ordinance for June 7, 2017 at 6:01 PM.

**V. Ordinance: Supplemental Appropriation in the amount of \$289,000.00 (first passage)
(6:13 PM)**

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 Eighty-Nine Thousand Dollars (\$289,000.00), 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 Eighty-Nine Thousand Dollars (\$289,000.00) 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 Omo seconded the motion.

City Manager Giroux explained this was an annual appropriation to keep the City Budget within the Expenditure Limitation Cap.

ROLL CALL VOTE:

YEAS: Park, Bauer, Comeau, Omo, Wyman, Nordmann, Paulhus, Page

NAYS: None

Ordinance passed. 8-0

Madame Chair Eosco set second passage of this Ordinance for June 7, 2017 at 6:02 PM.

The meeting adjourned at 6:17 PM with a motion by Councilor Wyman, seconded by Councilor Omo. All were in favor of the adjournment.

Attest:



Mary J. White, City Clerk

Please note: These minutes are not recorded verbatim. An audio recording of the meeting is available for review in the City Clerk's Office during regular business hours.



FS

May 22, 2017

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 45th Annual Bath Heritage Days Celebration scheduled for Friday, July 30 – Tuesday, July 4, 2017.

Bath Heritage Days: We seek permission to hold the 2017 Bath Heritage Days in downtown Bath, Waterfront Park and City Park from 2 p.m. on June 30 through 11pm on July 4. Events will include a five-mile run, Independence Day Parade, BBQ, Firemen's Muster, a Maine Artisan's Marketplace, 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 permission from the MDOT to use the area under the bridge. Accommodations will be made for access to other private lots as available. **Operating Hours:** The carnival's operating hours will begin Friday, June 1 at 4pm and run daily July 1 through July 4 from 11:00 a.m. until 11pm.

Traffic: Carnival detour traffic will be designated from June 29 - July 5 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 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 2017 Heritage Days Parade will be held at 10:00 AM on Tuesday, July 4th. 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 Tuesday, July 4th. 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: Garbage to Garden 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 additional Police coverage at events, including, but not limited to, the parade, the carnival and the fireworks.

We ask that the City Manager be allowed to act on future requests should the need arise between now and July 4th, 2017. 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, Co President
Main Street Bath

Elizabeth Knowlton, Co President
Main Street Bath

Jake Korb, Director &
Heritage Days Coordinator
Main Street Bath

C: Mary White

fl6



**CITY OF BATH
POLICE DEPARTMENT**

MICHAEL W. FIELD
CHIEF of POLICE

250 Water Street

Bath, Maine 04530

(207) 443-5563

Memorandum

To: Members of the City Council
From: Michael Field, Chief of Police
Ref: Parking Ordinances Middle Street
Date: May 30th, 2017

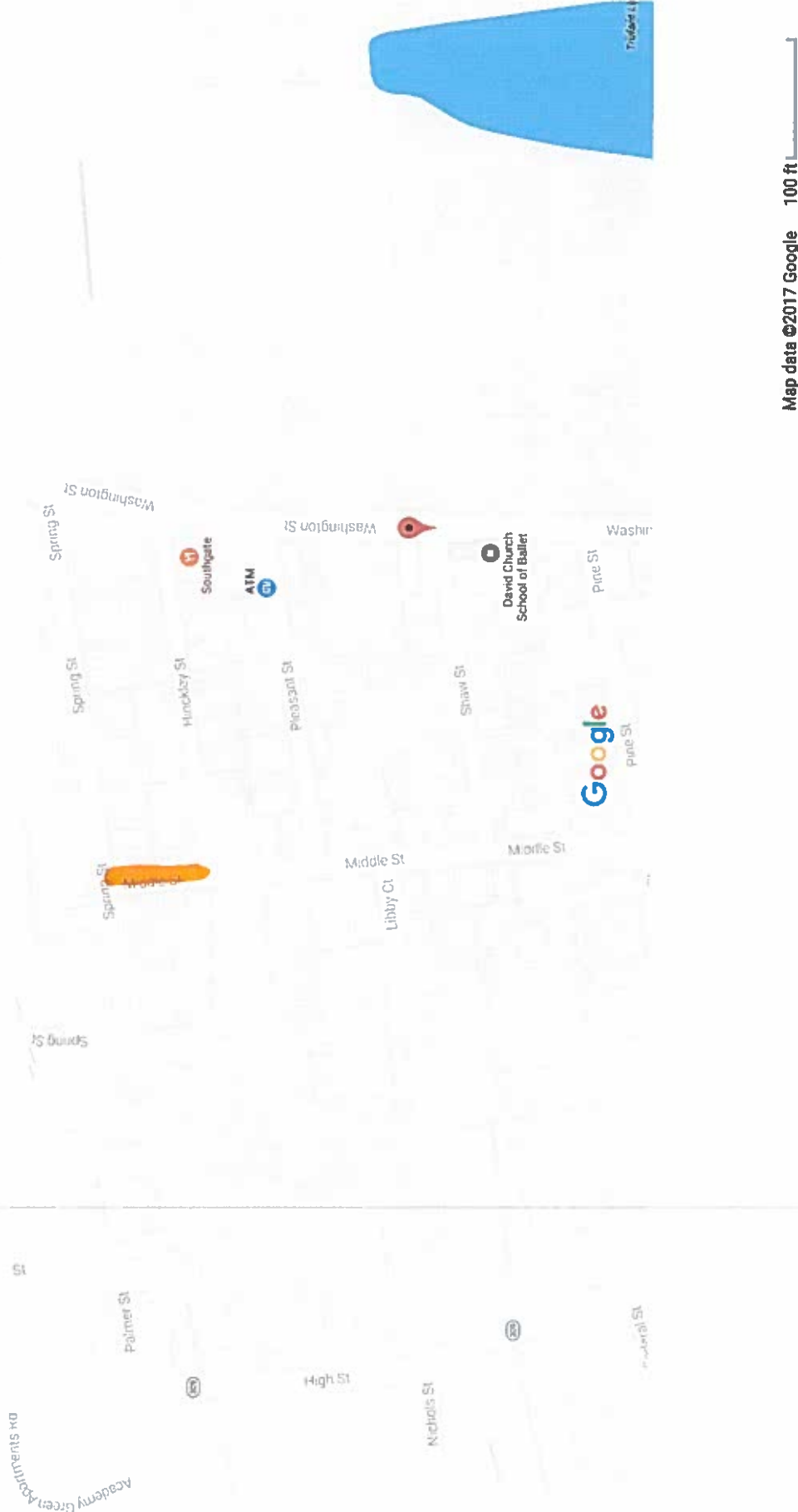
The Transportation Committee discussed parking issues on Middle St. between Hinkley St. and Spring St. on the east side. Currently it is a two (2) hour parking zone. The design of the area makes it difficult for any vehicle to park their due to driveways and intersections. In essence, no vehicle can park there without violating the time parking, too close to driveway, or too close to intersection.

The Transportation Committee suggests that this area be ordinance no parking. Middle Street on the west side is currently no parking.

Please see the attached Google map.

If you have any questions, please contact me.

Google Maps Shaw St



Flc

0500 1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 8000 8500 9000 9500 10000

10

10

1000 2000 3000 4000 5000 6000 7000 8000 9000 10000

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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

Middle Street East Side

Delete the following:

From a point 160 feet north of Shaw Street to Spring Street, 2 hour parking.

Replace with the following:

From a point 160 feet north of Shaw Street to the southern side of Hinckley Street, 2 hour parking. From the northern side of Hinckley Street to Spring Street, no parking.

City of Bath

55 Front Street
Bath, Maine 04530

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



F7

MEMORANDUM

Planning &
Development

TO: Mari Eosco, Chair
City Councilors

FROM: Andrew H. Deci, Director of Planning & Development

DATE: May 24, 2017

RE: Establishment of Portions of Andrews and Cobb Roads as
One-Way Streets

As part of the redevelopment of the Huse School property, *portions* of Andrews and Cobb Roads are to be treated as one-way streets:



The enclosed ordinance makes these portions of Andrews (west-bound) and Cobb Roads (east-bound) one-way. One-way signage will be installed along these segments by the developer, subsequent to the effective date.

The creation of these one-way 'stubs' into and out of the property affirm the historical use of the entrances/exits to the property, as well as provide for more efficient use of space within the project area. Additionally, trips to-and-from the new facilities are likely to be divided between Andrews and Cobb Roads, avoiding one road from taking the brunt of new traffic.

No changes are proposed east of, and including, Dike Road. Andrews and Cobb Roads will remain two-way streets west of Dike Road.

Please let City Solicitor Therriault or I know if you have any questions.

ORDINANCE

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

CHAPTER 17. VEHICLES AND TRAFFIC

Article 6. Stopping, Standing and Parking

Section 17-210. One-Way Streets.

Add the following:

ANDREWS ROAD	Westerly, from Dike Road to former Huse School Property
COBB ROAD	Easterly from the former Huse School Property to Dike Road

F8-
F22



City of Bath

Finance Department

Bath City Hall – 55 Front Street
Bath, Maine 04530

Telephone: (207) 443-8338 - Fax: (207) 443-8397

Juli Millett, C.P.A.
Finance Director

Juli Millett, Finance Director
jmillett@cityofbath.com

Linda McCourt, Staff Accountant
lmccourt@cityofbath.com

Susan Hunt, Payroll Supervisor
shunt@cityofbath.com

To: Bath City Council Members
From: Juli Millett, Finance Director
CC: Bill Giroux, City Manager
Re: Orders, Resolutions and Ordinances: (Budget Approval Meeting)

Councilors,

Below is some detail on the items in the Consent Agenda. If you have any other questions, I will be available to answer them at your upcoming meeting.

F8) Order: Establishing Tax Club for the upcoming year

The Tax Club is a program that allows residents of the City of Bath to spread out their property tax bill into twelve (12) monthly installments instead of a single payment. The program is only available on a taxpayer's primary residence and is not available on commercial, industrial, personal or rental properties.

How to Enroll: Tax Club enrollment forms can be found in the Treasurer's Office beginning in July and are due back to the same office no later than August 15th. To be eligible for this program, property owners must be current on their taxes and the property that the program applies to must be their primary residence. If you have questions about this program, please contact the Treasurer's Office at (207) 443-8340.

F9*) Resolution: City Operating Budget

This is the approval of the City Operating Budget that has been discussed in the budget workshops and the Budget Public Hearing.

F10*) Resolution: City Capital Improvement Budget

This is the approval of the City Capital Improvement Budget that has been discussed in the budget workshops and the Budget Public Hearing.

SHIPS

HERITAGE

PROGRESS

F11*) Resolution: Landfill Fund Budget

This is the approval of the Landfill Fund Budget that has been discussed in the budget workshops and the Budget Public Hearing.

F12*) Resolution: Sewer Utility Fund Budget

This is the approval of the Sewer Utility Fund Budget that has been discussed in the budget workshops and the Budget Public Hearing.

F13*) Resolution: Bath City Bus Fund Budget

This is the approval of the Bath City Bus Fund Budget that has been discussed in the budget workshops and the Budget Public Hearing.

F14*) Resolution: Bath Trolley and Transportation Budget

This is the approval of the Bath Trolley and Transportation Budget that has been discussed in the budget workshops and the Budget Public Hearing.

F15*) Resolution: to Increase the LD 1 Tax Levy Limit

This is to increase the amount of tax levy limited by LD 1. The Municipal Property Tax Levy Limit regulates the amount of money that municipalities can raise through property taxes. It applies only to property taxes used for municipal operations (road maintenance, libraries, parks and recreation, etc.). It does not apply to property taxes raised for schools, counties, TIFs, or the overlay. The limit allows a municipality to increase property taxes, but only by an amount equal to the growth of statewide personal income plus local property development within the municipality. The limit is adjusted downward if a municipality receives extra money from the State that it can use instead of property taxes.

F16*) Resolution: Establishing interest rate on all delinquent taxes at the rate of 7% per annum

This is the interest rate the City charges for taxes not paid by October 16.

F17*) Resolution: Establishing interest rate on delinquent sewer bills at the rate 7% per annum

This is the interest rate the City charges for sewer fees not paid within 60 days.

F18*) Resolution: Establishing interest rate on refunds due to tax abatements at the rate of 3% per annum

This is how much the City pays on an inadvertent overpayment of taxes.

F19*) Resolution: City of Bath's Special Purpose Fund Budget

These are the accounts that are used for resources received from outside sources that have specific use and restriction on them.

F20*) Resolution: Authorizing Borrowing in Anticipation of Taxes for FY 2017-2018

The city gets a TAN, (Tax Anticipation Note) to use as a line of credit from July 1 until when taxes are received for the new fiscal year.

F21*) Resolution: Establishing Schedule of Rates for Sewer System Fees, Use Charges and Special Assessments

These are the new sewer rates effective July 1. This is a 2% increase over the prior year's rates.

ORDER TAX CLUB FOR 2017 - 2018

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 2017 Tax Club begins July 1, 2017, and ends August 15, 2017; with the first of twelve payments due in September, 2017.

F9^K
F2^K

FY 2017 – 2018

Budget Adoption Packet

(Including Passage Resolutions)

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, 2017 and terminating on June 30, 2018, be and hereby is adopted with a total expenditure of **\$ 10,507,397.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached on the following page.

Custom Budget Report

	Expense			FY18 Budget vs Curr Bud Change \$	FY18 Bud vs Curr Bud Change %
	2017 Budget	2017 YTD	2018 Elected		
Dept: 01 GENERAL FUND					
0010 - ADMINISTRATION	158,583.00	132,424.43	152,363.00	-6,220.00	-3.92%
0011 - PROFESSIONAL SERVICES	155,500.00	132,237.48	172,450.00	16,950.00	10.90%
0012 - COUNCIL	74,445.44	49,864.31	71,400.00	-3,045.44	-4.09%
0016 - SPECIAL EVENTS, BOARD	252,390.00	247,718.00	261,256.00	8,866.00	3.51%
0018 - CABLE PEG	44,298.90	33,936.73	45,553.00	1,254.10	2.83%
0020 - CITY CLERK	136,057.44	118,287.95	144,446.00	8,388.56	6.17%
0021 - CITY CLERK ELECTIONS	15,500.00	15,189.35	14,610.00	-890.00	-5.74%
0030 - CENTRAL SERVICES	147,300.00	133,482.99	166,000.00	18,700.00	12.70%
0035 - CITY HALL MANAGEMENT	145,506.01	112,310.20	143,167.00	-2,339.01	-1.61%
0040 - UTILITIES	609,000.00	582,799.66	614,000.00	5,000.00	.82%
0045 - INSURANCES	418,000.00	340,147.48	393,000.00	-25,000.00	-5.98%
0050 - EMPLOYEE BENEFITS	2,032,344.23	1,622,090.93	2,111,475.00	79,130.77	3.89%
0055 - FINANCE	263,730.00	224,751.81	272,503.00	8,773.00	3.33%
0060 - ASSESSOR	117,551.00	105,673.26	131,235.00	13,684.00	11.64%
0065 - RECREATION FUND	217,840.00	214,785.00	225,088.00	7,248.00	3.33%
0070 - GENERAL ASSISTANCE	72,050.00	47,283.15	67,650.00	-4,400.00	-6.11%
0075 - CODES OFFICE	92,639.78	74,415.17	94,791.00	2,151.22	2.32%
0077 - PLANNING OFFICE	67,874.13	64,402.35	69,675.00	1,800.87	2.65%
0080 - PUBLIC WORKS	1,073,814.83	936,222.12	1,102,068.00	28,253.17	2.63%
0090 - CEMETERY AND PARKS	400,291.26	291,545.31	414,388.00	14,096.74	3.52%
0092 - FORESTRY	66,246.24	46,497.70	71,108.00	4,861.76	7.34%
0100 - FIRE AND AMBULANCE	1,599,312.00	1,258,603.46	1,638,030.00	38,718.00	2.42%
0104 - HARBOR MASTER	5,751.00	2,442.55	5,799.00	48.00	.83%
0105 - POLICE	1,513,769.70	1,248,039.68	1,542,177.00	28,407.30	1.88%
0106 - SCHOOL CROSSING GUARDS	6,008.97	4,841.72	6,006.00	-2.97	-.05%
0108 - PARKING MANAGEMENT	44,259.01	36,663.07	44,995.00	735.99	1.66%
0109 - POLICE AND ANIMAL CONTRI	32,660.06	27,163.38	33,587.00	926.94	2.84%
0110 - DEBT RETIREMENT	611,657.00	601,583.61	498,577.00	-113,080.00	-18.49%
GENERAL FUND	10,374,380.00	8,705,402.85	10,507,397.00	133,017.00	1.28%

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, 2017 and terminating on June 30, 2018, be and hereby is adopted with a total expenditure of **\$ 885,372.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached on the following page.

CITY OF BATH
FY 2018

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Custom Budget Report

	Expense			FY18 Budget vs Curr Bud Change \$	FY18 Bud vs Curr Bud Change %
	2017 Budget	2017 YTD	2018 Elected		
Dept: 05 CAPITAL FUND					
0500 - CAPITAL FUND CITY	233,529.00	235,767.30	198,464.00	-35,065.00	-15.02%
0502 - CF CEMETERY AND PARKS	60,030.00	49,228.58	103,065.00	43,035.00	71.69%
0504 - CF FIRE AND AMBULANCE	382,204.00	233,419.01	267,084.00	-115,120.00	-30.12%
0512 - CF POLICE	91,236.00	103,860.89	36,015.00	-55,221.00	-60.53%
0514 - CF RECREATION	80,685.00	77,279.89	109,323.00	28,638.00	35.49%
0520 - CF PUBLIC WORKS	150,292.00	553,617.79	171,421.00	21,129.00	14.06%
CAPITAL FUND	997,976.00	1,253,173.46	885,372.00	-112,604.00	-11.28%

RESOLUTION – LANDFILL FUND BUDGET

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, 2017 and terminating on June 30, 2018, be and hereby is adopted with a total expenditure of **\$ 1,813,643.00** balanced with an equal amount of estimated revenue. Summary of appropriations is attached on the following page.

CITY OF BATH
FY 2018

FILE

Custom Budget Report

	Expense			FY18 Budget vs Curr Bud Change \$	FY18 Bud vs Curr Bud Change %
	2017 Budget	2017 YTD	2018 Elected		
Dept: 06 LANDFILL					
0661 - SOLID WASTE SITE	580,005.98	448,591.27	588,659.00	8,653.02	1.49%
0662 - RECYCLING	60,600.00	31,165.72	59,450.00	-1,150.00	-1.90%
0663 - MSW-CURB SIDE PICKUP	398,000.00	317,140.63	403,200.00	5,200.00	1.31%
0664 - PAY AS YOU THROW	30,000.00	7,366.79	30,400.00	400.00	1.33%
0665 - LANDFILL CAPITAL	218,112.00	411,590.46	60,772.00	-157,340.00	-72.14%
0667 - DEBT RETIREMENT	632,277.00	632,276.38	671,162.00	38,885.00	6.15%
LANDFILL	1,918,994.98	1,848,131.25	1,813,643.00	-105,351.98	-5.49%

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, 2017 and terminating on June 30, 2018, be and is hereby adopted with a total expenditure of **\$ 2,213,280.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached to this Resolution on the following page.

Custom Budget Report

	Expense			FY18 Budget vs Curr Bud Change \$	FY18 Bud vs Curr Bud Change %
	2017 Budget	2017 YTD	2018 Elected		
Dept: 07 SEWER FUND					
0700 - MGMT SEWER UTILITY	118,000.00	94,071.65	117,500.00	-500.00	-.42%
0701 - TREATMENT AND PUMPING S	931,618.00	685,904.64	959,889.00	28,271.00	3.03%
0702 - MAINTENANCE - SEWER UTIL	298,548.00	239,553.60	307,504.00	8,956.00	3.00%
0703 - REPLACEMENT SEWER - CAPI	60,500.00	946,047.44	115,000.00	54,500.00	90.08%
0704 - DEBT RETIREMENT	567,926.00	492,925.40	713,387.00	145,461.00	25.61%
SEWER FUND	1,976,592.00	2,458,502.73	2,213,280.00	236,688.00	11.97%

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, 2017 and terminating on June 30, 2018, be and is hereby adopted with a total expenditure of **\$ 147,572.00**, balanced with an equal amount of estimated revenue.

CITY OF BATH
FY 2018

F13*

Custom Budget Report

	Expense			FY18 Budget vs Curr Bud Change \$	FY18 Bud vs Curr Bud Change %
	2017 Budget	2017 YTD	2018 Elected		
Dept: 10 BUS FUND					
1020 - BATH BUS	146,601.00	102,314.39	147,572.00	971.00	.66%

RESOLUTION – BATH TROLLEY AND TRANSPORTATION 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, 2017 and terminating on June 30, 2018, be and is hereby adopted with a total expenditure of **\$ 54,350.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached to this Resolution on the following page.

CITY OF BATH
FY 2018

Custom Budget Report

	Expense			FY18 Budget vs Curr Bud Change \$	FY18 Bud vs Curr Bud Change %
	2017 Budget	2017 YTD	2018 Elected		
Dept: 14 TRAIN STAT AND TROLLEY					
1410 - TRAIN STATION	27,200.00	23,550.00	28,200.00	1,000.00	3.68%
1420 - TROLLEY	30,600.00	26,456.06	26,150.00	-4,450.00	-14.54%
TRAIN STAT AND TROLLEY	57,800.00	50,006.06	54,350.00	-3,450.00	-5.97%

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 \$7,861,593.00 by the amount required by the adoption of the 2017-2018 budget (estimated increase \$0).

**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 2017-2018 Fiscal Year.

**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 2017-2018 Fiscal Year.

**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, 2017 to June 30, 2018; 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.

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, 2017 and terminating on June 30, 2018, be and is adopted for the purpose of funding the accounts below:

SPECIAL PURPOSE FUNDS - CITY

As of June 1, 2017

<u>0300 Special Purpose</u>	<u>0306 Forestry</u>	<u>0314 Recreation</u>
350 2Townlanding	310 Forestry – Proj Canopy-muscle	333 Midcoast Comm. Alliance
352 Butler Head Sugarbush	311 Forestry – USDA Interns	335 McMann Field Renovation
353 Butler Head Signs & Improvement	312 Forestry – Proj Canopy-apple	336 Rec Scholarship Fund
356 Downtown Signs	355 Forestry – Green Downtown	337 Community Garden
357 Bike ME		338 Soccer
358 RT 1 Hotel	<u>0308 General Assistance</u>	339 ASA Softball
718 Tree Planting	307 Almoner Fund	340 Lacrosse
731 Skate Park Committee	371 Charitable Contribution Fund	341 Mens Softball League
781 Downtown Wellness		342 Little League Registrations
782 City Dock/FD Sec Dock	<u>0309 Planning Department</u>	343 Bath Babe Ruth League
935 Assessor Records Preservation	652 Comprehensive Planning	344 Youth Football League
964 Efficiency Maine PACE Grant	653 Climate Adaption	345 Youth Cheerleading
969 Police K9 Fund		347 Advertising Signs
8110 Swimming Pool Fund	<u>0310 LAMBERT PARK CC</u>	348 McMann Advertising
8722 Bath Clocks Maintenance	330 Lambert Park	349 Summer Meals Program
8787 Tourism		748 Artworks
8779 CVS Route 1	<u>0312 Police Grants</u>	8188 Wrestling
	318 Jumpstart	8720 Lambert Park Com. Center
<u>0302 Cemetery and Parks</u>	320 Dare	8721 Rec Parks Imp
253 Milled Lumber	321 OUI Grant	
301 Forestry Trust-Prin & Interest	322 Juvenile Assistance Fund	
302 Forestry Committee	324 PD Bike Safety	
303 Druid Park	325 Under Aged Drinking	
304 Vandalism & Damage	326 Seatbelt Safety Program	
305 Cemetery Firewood	327 Police Drug Forfeiture	
379 BIW South End Park	328 Speed Enforcement	
8675 Library Gazebo	329 Bymne Grant	
	724 Bullet Proof Vest Program	
<u>0304 Fire Department</u>	729 Cop Card Grant	
315 Fire Department Training	748 PD Radar	
316 FD HoverJack		

RESOLUTION AUTHORIZING BORROWING IN ANTICIPATION OF TAXES
FOR FISCAL YEAR 2017-2018

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, 2018 singly or in series, an amount or amounts not exceeding the aggregate amount of \$1,500,000 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 \$1,500,000 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, 2018, out of money raised by taxation during the fiscal year ending June 30, 2018, 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.

**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, 2017.

F21*

Proposed Sewer Rate Structure 07/01/2017		
	Existing	Proposed
Quarterly and Residential Based on Bath Water District Meter Readings		
Minimum charge per quarter	\$48.75	\$49.75
Volume upon which minimum charge is based	600 CF	No Change
Additional charge per 100 cf of volume in excess of minimum volume	\$7.95	\$8.10
New sewer connection fee	\$2,000.00	No Change
Betterment fee	\$500.00	No Change
Impact fee	To be determined on a case by case basis	No Change
Monthly Commercial Based on Bath Water District Meter Readings		
Minimum charge per month	\$18.05	\$18.40
Volume upon which minimum charge is based	200 CF	No Change
Additional charge per 100 cf of volume in excess of minimum volume	\$7.95	\$8.10
New sewer connection fee	\$2,000.00	No Change
Betterment fee	\$500.00	No Change
Impact fee	To be determined on a case by case basis	No Change
Facilities Based on Flat Water Rates or Individual Wells		
Flat quarterly rate for users on wells (based on 2000 cf/quarter)	\$154.50	\$157.50
Volume upon which minimum flat quarterly rate is based	2000 cf	No Change
Significant Industrial User/Septage Disposal		
Charge per 100 CF of volume directly metered	\$8.05	\$8.20
Septage disposal (per 1,000 gallons)	\$120.00	\$125.00
Special Waste Fee (per gallon)	\$.50	No Change
Other Fees		
Catch Basin Fees	\$250/ qtr	\$255/ qtr

CERTIFICATE OF COMMITMENT OF SEWER USER RATES

To: Juli Millett, the treasurer of the municipality of Bath, Maine

We the undersigned municipal officers of the municipality of Bath, Maine hereby and certify and commit to you a true list of the sewer rates established by us pursuant to 30-A M.R.S.A § 3406 for those properties, units and structures required by local and state law to pay a sewer rate to the municipality for the period beginning 07/01/2017 and ending 06/30/2018. These rates are summarized on the list attached to this certificate. You are hereby required to charge interest at a rate of 7% per annum on any unpaid account balance. You are hereby authorized to collect these rates and any accrued interest by means legally available to you under state law.

Given under our hands this ____7TH____ day of _June____, 2017____.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

F22*



Bernstein, Shur,
Sawyer & Nelson, P.A.
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

T (207) 774 - 1200
F (207) 774 - 1127

Memorandum

To: City Council, City of Bath

From: Shana Cook Mueller

Date: May 30, 2017

Re: Annual Downward Adjustment to the Percentage of Captured Assessed Value – Wing Farm Tax Increment Financing District

This memo is meant to provide context for the resolution before you to reduce the captured assessed value of the Wing Farm Tax Increment Financing District (the “District”). The City Council originally designated the District in 2008, which consists of two separate non-contiguous parcels of land: the Bath Iron Works Tract and the Wing Farm Tract. This district was originally designated for the primary purpose of supporting the City’s infrastructure improvement projects in the Wing Farm tract of the District. In 2014, the State Department of Economic and Community Development approved the City’s amendment to the District’s development program, which increased the percentage of captured assessed value of real property, authorized a credit enhancement agreement with Bath Iron Works (the “CEA”) and added public improvement project costs to the development program.

Due to such a large amount of revenues being produced from the assessed value located in the District, the City is looking for ways to reduce expenditures from the District, particularly in light of the City’s Charter expenditure limit. By reducing the amount of captured assessed value in the District, the City will be able to send more of the taxes paid on the District property to the general fund to offset taxes. The resolution reduces the captured assessed value to a level sufficient to cover the City’s obligated debt service costs for prior improvements in the District and the City’s obligated payments under the CEA, with all the rest flowing to the general fund for purposes of offsetting taxes.

The TIF statute permits the “municipal officers” to vote to reduce the captured assessed value of a TIF district, so long as the municipality does not enjoy the so-called “tax shift benefit” associated with the assessed value that is not captured. By taking this vote in conjunction with the other budget-related resolutions on an annual basis, the City will be able to appropriately report the captured assessed value for purposes of measuring the tax shift benefit in each fiscal year while maximizing the use of these revenues for offsetting taxes. The City will not know exactly what percentage of increased assessed value will need to be captured to achieve this result until closer to the date of commitment, so the resolution does not elect to reduce the percentage to a specific number, but instead achieves the desired result of maximizing the amount of revenue to be used to offset taxes.

F22*

**CITY OF BATH, MAINE
COUNCIL RESOLUTION**

**Annual Downward Adjustment to the Percentage of Captured Assessed Value
in the Wing Farm Tax Increment Financing District**

WHEREAS, on February 6, 2008, the Bath City Council (the "City Council") designated the Wing Farm/Enterprise Tax Increment Financing District (the "District"), consisting of two separate non-contiguous parcels of land, the Bath Iron Works Tract and the Wing Farm Tract, and adopted a Development Program for the District, which received the approval from the State of Maine Department of Economic and Community Development (the "Department") of the State of Maine on March 21, 2008; and

WHEREAS, On November 20, 2013 the City Council adopted the First Amendment to the District in order to: (i) increase the percentage of captured assessed value of real property improvements retained in the District; (ii) authorize a credit enhancement agreement with Bath Iron Works ("BIW"); and (iii) include certain additional Public Improvements, which received the approval of the Department on March 24, 2014, and thereafter, the City executed a credit enhancement agreement (the "CEA") with Bath Iron Works Corporation ("BIW"); and

WHEREAS, the City Council desires to reduce the value of property captured in the District to a percentage to produce tax increment financing revenues sufficient to cover the City's contractual payment obligation under the CEA and to pay the City's debt service obligations on approved project costs, sending any remaining tax revenues on increased assessed value in the District to the City's general fund;

NOW THEREFORE THE CITY COUNCIL ORDERS THAT IT SHALL:

a. Pursuant to Maine Revised Statutes Title 30-A Section 5227, the City shall reduce the percentage of captured assessed value of property in the Wing Farm Tax Increment Financing District with respect to real property for the fiscal year _____ from 100% to a percentage sufficient to cover the City's contractual payment obligation under the CEA with BIW and to pay the City's debt service obligations on _____.

b. All other tax revenue relating to real property in the Wing Farm Tax Increment Financing District shall go to the general fund for such fiscal year.

c. As a result, the City will only enjoy a tax shift benefit relating to the percentage of increased assessed value in the Wing Farm Tax Increment Financing District that is captured and used for approved tax increment financing purposes, and will not enjoy a tax shift benefit relating to the percentage of increased assessed value that is not captured for tax increment financing purposes.

d. The City shall annually consider whether such a downward adjustment in the percentage of captured assessed value is warranted and appropriate for each individual fiscal year.

