

AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting

Wednesday, October 4, 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

Presentation by RSU #1 Superintendent Patrick Manuel regarding the New High School Project.

C. 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.)*

***1) Minutes of the previous Council Meeting of September 6 and 18, 2017 and Items E5, E6 and E7. (motion to Accept as Presented)**

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

E. Orders, Resolutions and Ordinances:

2) Order – Approving Authorization BIW TIF District Budget (FY 2018)

3) Order – Approving Authorization Wing Farm TIF District Budget (FY 2018)

4) Order – Approving Authorization Downtown TIF District Budget (FY 2018)

***5) Order - Prepare Election Warrant to notify inhabitants of the City of Bath of a State Referendum Election to be held on Tuesday, November 7, 2017 to vote on: 2 Citizen Initiative Questions, 1 Bond Issue Question and 1 Constitutional Amendment Question. (motion to pass Order)**

***6) Order - Prepare Election Warrant to notify inhabitants of the City of Bath of a Municipal Election to be held on Tuesday, November 7, 2017 to vote for the following: One Councilor for a 3-year term from each: Ward 1, Ward 6 and At Large, 1 Bond Ordinance Question and 2 Charter Change Questions. (motion to pass Order)**

***7) Order - Prepare Election Warrant to notify inhabitants of City of Bath of the RSU #1 Election to be held on Tuesday, November 7, 2017 for the following: 3 Municipal-Residence Positions (Bath, Phippsburg, Woolwich) on the Board of Education for 3-year terms, 1 Municipal- Residence Position (Arrowsic) on the Board of Education for a 2-year term and 1 Bond Question. (motion to pass Order)**

8) Order - Setting hourly schedule of the Office of Voting Registrar (motion to pass Order)

9) Order – Authorizing the Sale of City Property – Fire Department Pumper Truck and 2 Cars (motion to pass Order)

10) Order – Confirming Purchase of Real Estate – 22 Willow Street Property (motion to pass Order)

E. Orders, Resolutions and Ordinances: cont'd

11) Order – Amending Procedure of Disposition or Interest in City Owned Real Property (motion to pass Order)

12) Ordinance – General Assistance Maximums for 2018 (first passage)

13) Ordinance – Chapter 13. Refuse, Article 5 – Single Use Carry-Out Bags, Sections 13-61 through 13-69 (first passage)

14) Ordinance – Chapter 13. Refuse, Article 6 – Consumer Packaging, Sections 13-91 through 13-100 (first passage)

15) Ordinance – Amendment Land Use Code Flood Plain (first passage)

F. Petitions & Communications:

G. City Manager's Report:

H. Committee Reports: if any

I. Unfinished Business:

J. New Business:

K. Councilor Announcements:

EXECUTIVE SESSION:

Real Estate Matter per 1 MRSA §405(6)(C)- Willow Street Property

ADJOURN



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

September 27, 2017

To: City Council Members

From: Juli Millett, Finance Director

CC: Peter H. Owen, P.E., Interim City Manager

Re: TIF Budget Approval

BIW TIF Budget 2018 – The BIW TIF budget for FY 2018 is \$1,639,851. This amount has increased from the prior year, due to additional increment of BETE reimbursement from the state. This additional increment is being budgeted for other projects including High Street On Ramp Lights and Library Park Lights, Roads – including North Street Engineering, Sidewalks – including Congress Ave Bridge and other work in the downtown, Riverwalk expansion into North End, and Commercial Street Engineering. Also included in the BIW TIF, previously budgeted in the WingFarm TIF is Debt Payment for the RiverWalk and additional economic development staff salaries.

WINGFARM TIF Budget 2018 – The WINGFARM TIF budget for FY2018 is \$306,368. This TIF has decreased from last year due to the vote the City Council took on June 7th to reduce the percentage of captured assessed value from the TIF. The TIF was producing a large amount of revenue and due to the expenditure limitation the City was not able to spend all of the monies, and had started to build a reserve. The council voted to reduce the amount of captured value and send more money to the general fund to offset taxes. The Wingfarm debt payment and part of the public works allocation will be paid the previous year's surplus. The remainder of the public works allocation and the Street Bond debt payment will be paid from the new assessment.

DOWNTOWN TIF Budget 2018 – The Downtown TIF budget for FY 2018 is \$105,061 and is allocated to pay the debt service payment.

SHIPS

HERITAGE

PROGRESS

E2-B4

BIW TIF BUDGET FY 2018

TIF REVENUE	Detail	FY 2018 Budget Summary	Detail	FY 2017 Budget Summary	Detail	FY 2017 Actual Summary
INCREMENT		\$1,673,255		\$1,218,715		\$1,218,715
TOTAL REVENUE		<u>\$1,673,255</u>		<u>\$1,218,715</u>		<u>\$1,218,715</u>
EXPENSES						
DEBT SERVICE		\$790,151		\$632,883		632,486
2002 Streets Project DS	134,841		137,923		137,923	
2003 Comm. St. P.S./Sewer DS SRF	73,744		74,575		74,575	
2004 Streets DS (for 2005 projects)	48,190		50,112		50,112	
1999 Paving/Outfall/Centre St DS	242,438		249,190		249,190	
2006 Wastewater Bond	13,857		14,070		14,070	
2011 SRF LOAN	60,609		61,677		61,677	
2013 SRF LOAN	19,080		19,161		19,161	
Street Bond	26,175		26,175		25,778	
Zorach Fountain	23,325					
River Walk Debt Payment	147,892					
CONTRIBUTION TO BATH DEV CORP		172,000		123,000		123,000
City Manager	33,500	30%	33,000	30%	33,000	
City Planner	26,000	50%	25,500	50%	25,500	
Director of Planning and Development (WF TIF)	74,000	100%	35,500	53%	35,500	
Director Assistant City Mgr/ Comm. Dev. (From WF TIF)	38,500	55%	29,000	55%	29,000	
CONTRIBUTION TO MAIN STREET BATH		30,000		29,500		30,000
Annual Fund	20,000		20,000		20,000	
Downtown flowers	10,000		9,500		10,000	
ECONOMIC DEVELOPMENT PROJECTS		80,500		44,500		44,917
Other - banner, camera, citizen involve day, dues, sister city	4,000		4,000		2,975	
Holiday Lights	12,000		10,000		9,718	
Newsletter	7,000		4,000		2,047	
Gazebo/Downtown Music	6,000		5,000		5,142	
Wayfinding	10,000		-		750	
Brochures/ Advertising	3,500		3,500		2,500	
Benches and Cans	5,000		-			
Downtown Improvements	10,000				6,785	
City Recyclable Bags	5,000					
Fireworks	15,000		15,000		15,000	
Landscaping	3,000		3,000			
OTHER PROJECTS		553,000		230,000		270,368
High St On Ramp Lights	50,000		-			
Roads - North St Eng/ Other	100,000					
Bell Wheel, DT Maint Building, Downtown Street Lights	26,000					
Congress Ave Bridge Side Walk	35,000					
Lights at Library Park	15,000					
Waterfront Floats	12,000					
Sidewalks downtown	25,000					
River Walk Downtown / Stage/ expansion to North End	150,000				39,348	
BIW Traffic Study	25,000					
Commercial Street	100,000					
Zorach Fountain			25,000		213,817	
City Facilities - Train Station Capital Projects	15,000		15,000		2,485	
City Facilities - Bath City Bus			20,000		(5,335)	
PW - Water Street Parking Lot			35,000		20,053	
LF - Horizontal Gas Collectors			100,000			
LF - Replace Condensate Pumps			20,000			
LF - Gas Management Software			15,000			

TRAIN STATION FUNDING	14,200	12,400	12,400
TOTAL	<u>\$1,639,851</u>	<u>\$1,072,283</u>	<u>\$1,113,171</u>
SURPLUS (DEFICIT)	<u>\$33,404</u>	<u>\$146,432</u>	<u>\$105,544</u>
Bond Proceeds - Zorach and Riverwalk			<u>\$1,675,000</u>

WINGFARM TIF BUDGET FY 2018

	FY 2018 Budget	FY 2017 Budget	FY 2017 Actual
REVENUE			
INCREMENT	121,693	720,988	720,988
TOTAL REVENUE	<u>\$121,693</u>	<u>\$720,988</u>	<u>\$720,988</u>
EXPENSES			
DEBT SERVICE PAYMENT		174,009	174,009
STREET BOND DEBT SERVICE PAYMENT	42,649	43,000	43,312
ALLOW ALLOC OF PUBLIC WORKS BUD	79,000	85,190	85,000
ECON DEVELOP SALARIES		36,000	36,000
LEGAL EXPENSES TIF			9,073
RIVERWALK DEBT PAYMENT		120,000	
BIW TRAFFIC STUDY		25,000	
TOTAL EXPENSES	<u>\$121,649</u>	<u>\$483,199</u>	<u>\$347,394</u>
SURPLUS	<u>\$44</u>	<u>\$237,789</u>	<u>\$373,594</u>
Use of previous surplus			
WING FARM BALLOON PAYMENT			
ROUTE 1 IMPROVEMENTS			
DEBT SERVICE PAYMENT	178,719		
ALLOW ALLOC OF PUBLIC WORKS BUD	6,000		
	<u>\$184,719</u>	<u>\$0</u>	<u>\$0</u>

DOWNTOWN TIF BUDGET FY 2018

	FY 2018 Budget	FY 2017 Budget	FY 2016 Actual
REVENUE			
INCREMENT	179,112	176,710	176,710
TRANSFER IN FROM RESERVE	0	0	
TOTAL REVENUE	<u>\$179,112</u>	<u>\$176,710</u>	<u>\$176,710</u>
EXPENSES			
DEBT SERVICE PAYMENT	105,061	105,488	105,488
TOTAL EXPENSES	<u>\$105,061</u>	<u>\$105,488</u>	<u>\$105,488</u>
SURPLUS	<u>\$74,051</u>	<u>\$71,222</u>	<u>\$71,222</u>

E2

ORDER
APPROVING AUTHORIZATION
BIW TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2018)

Be It Hereby Ordered By the City Council of the City of Bath that one million six hundred thirty-nine thousand eight hundred fifty-one and 00/100 (\$1,639,851) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2017 and terminating on June 30, 2018 for the following purposes:

TIF REVENUE	
INCREMENT	<u>\$1,673,255</u>
TOTAL REVENUE	<u>\$1,673,255</u>
EXPENSES	
DEBT SERVICE	\$790,151
CONTRIBUTION TO BATH LOCAL DEVELOPMENT CORPORATION	\$172,000
CONTRIBUTION TO MAIN STREET BATH	\$30,000
ECONOMIC DEVELOPMENT PROJECTS ACCOUNT	\$633,500
TRAIN STATION/TROLLEY FUNDING-TRANSFER	<u>\$14,200</u>
TOTAL	<u>\$1,639,851</u>
SURPLUS	<u>\$33,404</u>

E3

**ORDER
APPROVING AUTHORIZATION
WING FARM TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2018)**

Be It Hereby Ordered By the City Council of the City of Bath that three hundred six thousand three hundred sixty - eight and 00/100 (\$306,368) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2017 and terminating on June 30, 2018 for the following purposes:

REVENUE

INCREMENT	<u>\$121,693</u>
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TOTAL REVENUE	<u>\$121,693</u>
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EXPENSES

DEBT SERVICE PAYMENT**	\$178,719
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PUBLIC WORKS ALLOC**	\$6,000
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STREET BOND DEBT PAYMENT	\$42,649
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PUBLIC WORKS ALLOC	\$79,000
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TOTAL EXPENSES	<u>\$306,368</u>
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SURPLUS	<u>\$(184,675)</u>
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**From previous year's surplus

**ORDER
APPROVING AUTHORIZATION
DOWNTOWN TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2018)**

Be It Hereby Ordered By the City Council of the City of Bath that one hundred five thousand sixty-one dollars and 00/100 (\$105,061) be and hereby is authorized to be spent from the Tax Increment Financing District Development Program Fund Project Costs Accounts from the fiscal year commencing July 1, 2017 and terminating on June 30, 2018 for the following purposes:

REVENUE	
INCREMENT	<u>\$179,112</u>
TOTAL REVENUE	<u>\$179,112</u>
EXPENSES	
DEBT SERVICE PAYMENT	<u>\$105,061</u>
TOTAL EXPENSES	<u>\$105,061</u>
SURPLUS	<u>\$74,051</u>

ORDER

In City Council
October 4, 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, November 7, 2017 for the purpose of determining the following:

Questions To Be Voted On:

Question 1: Citizen Initiative

Do you want to allow a certain company to operate table games and/or slot machines in York County, subject to state and local approval, with part of the profits going to the specific programs described in the initiative?

Question 2: Citizen Initiative

Do you want Maine to expand Medicaid to provide healthcare coverage for qualified adults under age 65 with incomes at or below 138% of the federal poverty level, which in 2017 means \$16,643 for a single person and \$22,412 for a family of two?

Question 3: Bond Issue

Do you favor a \$105,000,000 bond issue for construction, reconstruction and rehabilitation of highways and bridges and for facilities or equipment related to ports, harbors, marine transportation, freight and passenger railroads, aviation, transit and bicycle and pedestrian trails, to be used to match an estimated \$137,000,000 in federal and other funds, and for the upgrade of municipal culverts at stream crossings?

Question 4: Constitutional Amendment

Do you favor amending the Constitution of Maine to reduce volatility in state pension funding requirements caused by the financial markets by increasing the length of time over which experience losses are amortized from 10 years to 20 years, in line with pension industry standards?

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 November 6, 2017 at City Hall Auditorium beginning at 9:00 AM until finished. Any and all remaining absentees received on election day, November 7, 2017, will be processed at 8:00 PM at the Bath Middle School, 6 Old Brunswick Road.

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

ORDER

E*6

In City Council
October 4, 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 Municipal Candidate/Referendum Election (Wards 1-7) will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being the 7th 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 at the Municipal Election in their respective Wards for:

City Councilors to be Elected:

Ward One	One to be Elected for a three year term
Ward Six	One to be Elected for a three year term
Ward At Large	One to be Elected for a three year term

Referendum Bond Ordinance – Question

“SHALL A BOND ORDINANCE BE ENACTED AUTHORIZING GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$2,800,000.00 TO FINANCE SIDEWALKS AND STREET AND ROAD CONSTRUCTION, RECONSTRUCTION AND PAVING PROJECTS?”

Charter Change – Questions

QUESTION ONE

“SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT SHOWN BELOW?”

SUMMARY: This proposed Charter amendment brings City elections concerning nomination deadlines for municipal candidates in line with State Law.

QUESTION TWO

“SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT SHOWN BELOW?”

SUMMARY: This proposed Charter amendment allows the City Manager to reside outside the City limits but only with the specific approval of a majority of the City Council.

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.

City of Bath
**WARRANT FOR CALLING THE
MUNICIPAL ELECTION**

Tuesday, November 7, 2017

Municipality of Bath

Wards 1-7

GREETINGS: Citizens of Bath, Maine

Be It Hereby notified to the inhabitants of the City of Bath, qualified to vote, that the municipal election will be held at the Bath Middle School, 6 Old Brunswick Road (Wards 1-7), on the Tuesday following the first Monday of November, the same being the 7th 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 at the Municipal Election for their respective Wards for:

CITY COUNCILORS TO BE ELECTED:

Ward 1 - one to be elected for a 3-year term

Ward 6 - one to be elected for a 3-year term

Ward At Large - one to be elected for a 3-year term

BOND ORDINANCE - QUESTION ONE

"SHALL A BOND ORDINANCE BE ENACTED AUTHORIZING GENERAL OBLIGATION BONDS IN THE AMOUNT OF \$2,800,000.00 TO FINANCE SIDEWALKS AND STREET AND ROAD CONSTRUCTION, RECONSTRUCTION AND PAVING PROJECTS?"

CHARTER CHANGE - QUESTION ONE

"SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT SHOWN BELOW?"

AMEND AS FOLLOWS:

CHAPTER IX
NOMINATION & ELECTIONS

SUMMARY: This proposed Charter amendment brings City elections concerning nomination deadlines for municipal candidates in line with State Law.

CHARTER CHANGE - QUESTION TWO

"SHALL THE MUNICIPALITY APPROVE THE CHARTER AMENDMENT SHOWN BELOW?"

AMEND AS FOLLOWS:

CHAPTER III
CITY MANAGER

SUMMARY: This proposed Charter amendment allows the City Manager to reside outside the City limits but only with the specific approval of a majority of the City Council.

Voting Place Name and Location:

Bath Middle School

6 Old Brunswick Road

Polls Open at 8:00 am

Polls Close at 8:00 pm

A person may register to vote and/or enroll in a political party before or on election day.

Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed on Monday, November 7, 2017 at the Bath City Hall, 55 Front Street starting at 9 am until all are processed. Any and all remaining absentee ballots received on election day will be processed at 8 pm on November 7, 2017 at Bath Middle School, 6 Old Brunswick Road.

Approved by vote of the City Council in a public meeting, October 4, 2017.

Chairman

Attest: _____
Mary J. White, City Clerk

Date: _____

EX-7

ORDER

In City Council
October 4, 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 RSU #1 School District qualified to vote, said Election will be held at Bath Middle School, 6 Old Brunswick Road, on the Tuesday following the first Monday of November, the same being the 7th 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:

BOARD OF DIRECTORS FOR RSU #1 TO BE ELECTED:

One (1) Arrowsic Municipal-Residence Position for a two-year term
One (1) Bath Municipal-Residence Position for a three-year term
One (1) Phippsburg Municipal-Residence Position for a three-year term
One (1) Woolwich Municipal-Residence Position for a three-year term

BOND QUESTION:

"Do you favor authorizing the School Board of Regional School Unit No. 1: Lower Kennebec Region School Unit (the "RSU") to construct and equip a new high school to be located on the site described below (the "Project") with the total Project cost not to exceed \$75,328,411; to issue bonds or notes in the name of the RSU for school construction project purposes in an amount not to exceed \$47,628,411 (the "Bonds"); and to raise and expend gifts and donations, as described below, to find the balance of Project costs, to reduce the amount of Bonds Issued for the Project, and/or to pay debt service on the Bonds?"

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.

City of Bath

WARRANT FOR CALLING THE MUNICIPAL ELECTION for RSU1 Board of Directors

Tuesday, November 7, 2017

GREETINGS: Citizens of Bath, Maine

Be It Hereby notified to the inhabitants of the City of Bath, qualified to vote, that the municipal election will be held for RSU1 Board of Directors on November 7, 2017, at 8:00 o'clock in the forenoon, then and there, to cast their votes for:

Board of Directors for RSU1:

One (1) Arrowsic Municipal-Residence Position for a two-year term

One (1) Bath Municipal-Residence Position for a three-year term

One (1) Phippsburg Municipal-Residence Position for a three-year term

One (1) Woolwich Municipal-Residence Position for a three-year term

Voting Place Name and Location:

Bath Middle School

6 Old Brunswick Road

Polls Open at 8:00 am

Polls Close at 8:00 pm

A person may register to vote on or before Election Day.

Pursuant to Title 21-A, Section 759(7), RSU1 absentee ballots will be processed at the Bath City Hall Auditorium, 55 Front Street, Bath, on Monday, November 6th at 9:00 am, and on Election day November 7th at the Bath Middle School polling site at 8:00 pm for all absentee ballots received on election day.

Approved by vote of the City Council in a public meeting, _____

Chairman

Attested: _____
Mary J. White, City Clerk

Date: _____

**WARRANT AND NOTICE OF ELECTION
TO CALL REGIONAL SCHOOL UNIT NO. 1: LOWER KENNEBEC REGION
SCHOOL UNIT REFERENDUM
(20-A M.R.S. §§ 1501-04)**

TO: Debra Clark, a resident of Regional School Unit No. 1: Lower Kennebec Region School Unit, composed of the City of Bath and the Towns of Arrowsic, Phippsburg and Woolwich, State of Maine.

In the name of the State of Maine, you are hereby ordered to serve upon the municipal clerks of each of the municipalities within Regional School Unit No. 1: Lower Kennebec Region School Unit, namely, the City of Bath and the Towns of Arrowsic, Phippsburg and Woolwich, an attested copy of this warrant and notice of election. Service shall be in hand within three (3) days of the date of this warrant and notice of election. The municipal clerks of the above municipalities shall immediately notify the respective municipal officers. The municipal officers shall meet forthwith and countersign this warrant and notice of election. The municipal officers shall provide below for the respective municipal clerks to post or have posted this warrant and notice of election.

**CITY OF BATH
REGIONAL SCHOOL UNIT NO. 1: LOWER KENNEBEC REGION SCHOOL UNIT
REFERENDUM
WARRANT AND NOTICE OF ELECTION**

Sagadahoc County, ss.

State of Maine

TO: Michael Peabody, Constable of the City of Bath: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant and notice of election.

TO THE VOTERS OF THE CITY OF BATH: You are hereby notified that a Regional School Unit No. 1: Lower Kennebec Region School Unit referendum election will be held at Bath Middle School, 6 Old Brunswick Road in the City of Bath at 8:00 A.M. on Tuesday, November 7, 2017 for the purpose of determining the following question:

Question 1: Do you favor authorizing the School Board of Regional School Unit No. 1: Lower Kennebec Region School Unit (the "RSU") to construct and equip a new high school to be located on the site described below (the "Project") with the total Project cost not to exceed \$75,328,411; to issue bonds or notes in the name of the RSU for school construction project purposes in an amount not to exceed \$74,628,411 (the "Bonds"); and to raise and expend gifts and donations, as described below, to fund the balance of Project costs, to reduce the amount of Bonds issued for the Project, and/or to pay debt service on the Bonds?

The following Project information is provided as part of this Question 1:

- A. Description of Project Site. The Project shall be located on a site primarily located in the City of Bath (the "City"), to be acquired as part of the Project, and comprising the following lots:

1. A portion of Wing Farm Business Park, Phase 2, at and near Wing Farm Parkway in the City of Bath, consisting of six subdivision lots (City Tax Map 24, Lots 15-20; ± 26 acres), together with the Wing Farm Parkway Extension, so-called, within Wing Farm Business Park, Phase 2 (± 0.9 acres), to be acquired from the City of Bath;
2. A lot on the southerly side of Anchor Road in the City of Bath (City Tax Map 24, Lot 3; ± 1.5 acres), together with buildings and improvements, to be acquired from Thomas R. Dahlke;
3. A portion of a lot in Wing Farm Business Park, Phase 1, on the easterly side of Wing Farm Parkway in the City of Bath (City Map 24, Lot 4; ± 1.34 acre portion) to be acquired from Wing Farm Holdings, LLC; and
4. A lot adjacent to Wing Farm Business Park, Phase 2 and located in the Town of West Bath (Town Tax Map R-1, Lot 13-A; ± 12.3 acres) to be acquired from the City of Bath.

Additionally, as part of this Project, the School Board will be authorized to acquire and convey easements and fee and other real estate interests as may be required for the Project.

- B. Additional Operating Costs. The RSU estimates \$35,000 in annual net savings in operating costs attributable to the Project in each of the first two years.
- C. Responsibility for Bond Payments. The RSU is responsible for the local share of annual principal and interest payments for this school construction project included in the total cost of education appropriated pursuant to section 15690, subsection 1, if any, and for the annual principal and interest payments for the non-state-funded portion of this school construction project.
- D. Fundraising. Fundraising will occur over 1-3 years with a goal of funding \$700,000 of the total \$7,900,000 portion of the Project that is not eligible for inclusion in costs qualifying for state subsidy purposes (the "Local Project"). Depending on when gifts and donations are received, they will be used to reduce the amount borrowed or retire a portion of the Bond issued for the Local Project. The fundraising goal may or may not be reached.
- E. Disposition of Existing School. As part of the Project, the RSU will close the existing Morse High School and convey the school property to the City.

The polls must be opened at 8:00 A.M. and closed at 8:00 P.M.

The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote, and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

A majority of the School Board of Regional

Alan L. Walton
Anderson

Debra Clark
Debra Clark, Resident of
Regional School Unit No. 1: Lower Kennebec
Region School Unit

Mary White, Municipal Clerk
City of Bath

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 City of Bath Municipal Candidate/Referendum Election to be held Tuesday, November 7, 2017 except for Monday, October 23, 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 the polls at the Bath Middle School, 6 Old Brunswick Road.

Memorandum

To: Members of the City Council
From: Lawrence Renaud, Fire Chief
Ref: Sale of Engine 6
Date: 09/26/17

As a result of the approval of a purchase of a fire truck, we are now in the process of the sale of Engine 6. In accordance to City of Bath Ordinance, *Chapter 7, Purchasing and Finance, Article One: Purchase and Sale of Property, subsection 7-105 and 7-114*, it requires the approval of City Council when the property exceeds \$1,500 dollars. Engine 6 may be worth more than that amount.

In addition, 2 vehicles were donated to the City of Bath Fire Department. These vehicles have been retired from service for the past several years. The Fire Department would like to dispose of these vehicles through the City of Bath bid process.

Vehicle #1:	2005 Ford CrownV	VIN # 2FAFP71W45X126720
Vehicle #2:	2005 Ford CrownV	VIN # 2FAFP71W45X125535

If you have any questions or concerns, please contact me.

Buddy

**ORDER
AUTHORIZING THE SALE OF CITY PROPERTY**

WHEREAS, the City of Bath is the owner of a City pumper designated as "Engine 6," and

WHEREAS, Engine 6 is out of service; and

WHEREAS, the purchase of a new pumper to take the place of Engine 6 has been approved and is in process; and

WHEREAS, the City also owns two 2005 Ford Crown Victoria vehicles which were donated to the City of Bath, VIN #2FAFP71W45X126720 and VIN #2FAFP71W45X125535; and

WHEREAS, the vehicles have been out of service for years and the City no longer has any need for these vehicles; and

WHEREAS, the Purchasing and Finance Ordinance of the City of Bath requires that any City property that may exceed the value of \$1,500.00 be authorized for sale by Order of Council; and

WHEREAS, the sale of the designated City equipment needs to be conducted in accordance with Section 7.105 of the Purchasing and Finance Ordinance; and

WHEREAS, said Section 7.105 requires a bid procedure.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the sale of the equipment designated herein be and hereby is authorized and that the sale shall be conducted in accordance with the provisions of Section 7.105, and BE IT FURTHER ORDERED that the City Manager shall have the authority to sign such documentation as may be necessary, appropriate or convenient to the solicitation of bids and sale of the property.



CITY OF BATH
Office of the City Manager

Memorandum

To: Bath City Council
From: Peter Owen, Interim City manager
Date: 9/27/2017
Re: 22 Willow Street
cc:

The property at 22 Willow Street has been a problematic site for years. It is located in a topographic low point on Willow Street resulting in periodic flooding during high intensity rain events. The city has a number of properties throughout the city in similar conditions but this is one of the worst. The city has taken a number of remedial steps in this area but has been unsuccessful to date to solve the flooding problem due to the complexity of the site's physical restraints, the available infrastructure and the cost to implement mitigating measures.

City staff has been working with an engineering consultant to review the conditions of this location and how it may be utilized to implement flood control that would benefit the Willow Street neighborhood. This site alone will not provide a complete solution but it would be a step in the right direction if the city were able to control the property and evaluate it for flood control.

The property was foreclosed on by the bank several years ago and was recently put up for auction. For the reasons stated above it was determined that this was a good opportunity for the city to acquire the property as a public benefit to implement local flood control.

The property will be purchased utilizing income funds the city received from the City's former Housing Improvement Loan Program.

E10

**ORDER
CONFIRMING PURCHASE OF REAL ESTATE
22 WILLOW STREET, BATH, MAINE**

WHEREAS, the property at 22 Willow Street has been advertised for purchase; and

WHEREAS, the property was the subject of a foreclosure; and

WHEREAS, the current owner of the property is Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities, Inc., pursuant to Stipulated Judgment of Foreclosure and Order of Sale entered on May 19, 2017 in the Maine District Court, Division of West Bath, Docket No. WESDC-RE-17-7, and by Deed recorded in the Sagadahoc County Registry of Deeds on August 2, 2017, in Book 2017R, Page 05178; and

WHEREAS, acquisition of the property provides a public purpose to the City in addressing flooding issues on Willow Street; and

WHEREAS, the owner of the property has elected to dispose of the property by offering it for sale by auction bid; and

WHEREAS, the City of Bath was the successful bidder at a bid of \$30,000.00 (the property being assessed for \$70,000.00); and

WHEREAS, the process for entering into a Sales Contract is abbreviated and with a turnaround time of 24 hours from the receipt of confirmation of the successful bid and the Purchase and Sale Agreement; and

WHEREAS, the purchase price is funded through certain Community Development Block Grant (CDBG) funds currently appropriated for this purpose. (See Account No. 20-2201-240 CD/HA.)

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the purchase of the property at 22 Willow Street be and hereby is confirmed, the execution of the Purchase and Sales Agreement by the City Manager on behalf of the City is also confirmed, the purchase of the property together with other expenses of acquisition are to be funded out of appropriated CDBG funds designated above, and the City Manager is further authorized hereunder to proceed with the purchase and closing on the property and to sign any and all further documents that may be necessary, appropriate, or convenient, in the acquisition of the property.

**ORDER
AMENDING PROCEDURE FOR DISPOSITION OF
INTERESTS IN CITY OWNED REAL PROPERTY**

WHEREAS, the City of Bath has developed a procedure for the disposition of interests in City owned real property; and

WHEREAS, the City Council has deemed it appropriate to clarify a portion of the procedure relating to the enforcement of any terms and conditions of transfer of property to provide for enforcement of those terms and conditions.

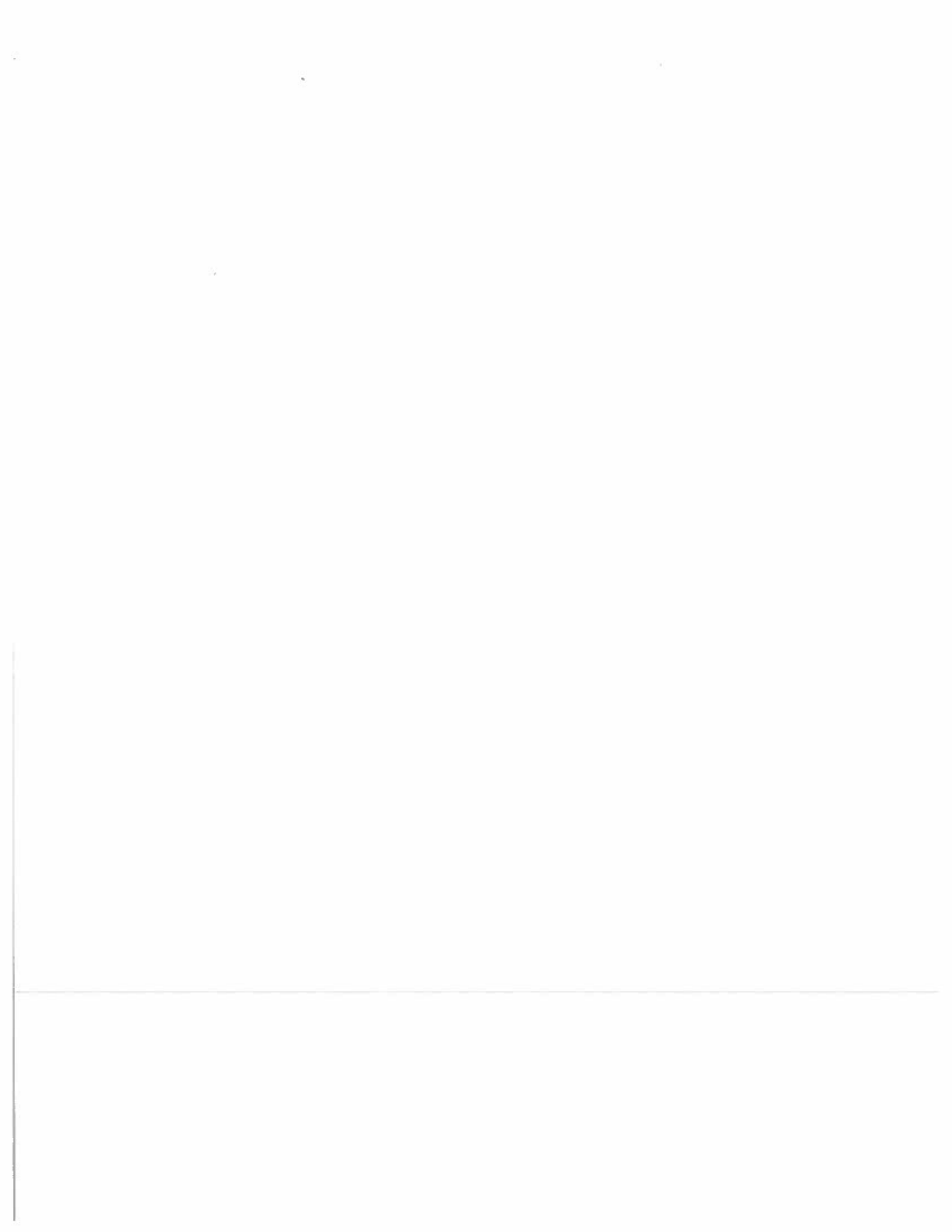
NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that the Procedure for Disposition of Interests in City Owned Real Property be and hereby is amended as follows:

C. City Council Level

2. Determine the following:

c. Amend Subparagraph ii by adding the unlined text, as follows:

ii. Determine whether or not the transfer or the disposition of the property requires any special conditions, covenants or restrictions that need to be imposed on the transfer in order to protect the interests of the City, interests of abutters, and interest of any other parties who might be affected by the transfer. Where the City Council, either through the bidding/sale process, or otherwise, makes a determination that certain construction activities including, but not limited to, repairs, renovations, remediation, new construction, demolition, or other similar activity, are appropriate, then the terms and conditions of the required activity may be enforced by a covenant to run with the land placed in the document of transfer, to be enforced as a separate covenant or as a right of reversion. The Council may set a time frame for completion of the required activities and for good cause shown, may extend that time frame.



Date: September 27, 2017
To: Bath City Council
From: Juli Millett, Finance Director and
Judy Hardy-Goddard, GA Administrator
Re: Annual Adoption of GA Maximums

The Adoption Process

The municipal officers (i.e., selectpersons/council) adopt the local General Assistance Ordinance and yearly Appendices, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices after notice and hearing. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums. This signed form may be scanned and emailed to generalassistance.DHHS@maine.gov; faxed to Robin Reed at 287-3455; or sent by US mail to: DHHS/General Assistance, 19 Union Street, 11State House Station, Augusta, ME 04333.

GENERAL ASSISTANCE ORDINANCE

2017-2018

**Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2017 to
September 30, 2018 (first passage)**

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 8A. GENERAL ASSISTANCE

Amend the City's General Assistance Ordinance in accordance with the amended portions attached hereto. Deletion's are shown in red (or crossed out), addition's are shown in blue (or underlined.)

Also delete appendices to the ordinance dealing with maximums allowances and adopt the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2017 - September 30, 2018. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _____ (day) of _____ (month) _____ (year)
by the municipal officers:

(Print Name)_____
(Signature)_____
(Print Name)_____
(Signature)_____
(Print Name)_____
(Signature)_____
(Print Name)_____
(Signature)_____
(Print Name)_____
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(Print Name)_____
(Signature)_____
(Print Name)_____
(Signature)_____
(Print Name)_____
(Signature)_____
(Print Name)_____
(Signature)

Appendix A- Overall Maximums

Persons in Household

2016/2017	1	2	3	4	5
Sagadahoc County	769	851	986	1302	1581

New Maximums

Persons in Household

2017/2018	1	2	3	4	5
Sagadahoc County	781	863	999	1318	1600

**\$Add \$75 for each additional person

Appendix B-Food Maximums

Sagadahoc County	1	2	3	4	5
2016/2017	194	357	511	649	771
2017/2018	192	352	504	640	760

**note for each additional person add \$144 per month.

Appendix C - Housing

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2009-2010 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are subtracted from the FMR to obtain a pure "housing" cost.

2016/2017			2017/2018		
# Bedrooms	UnHeated	Heated	# Bedrooms	Unheated	Heated
1	657	781	1	675	796
2	749	903	2	795	922
3	1019	1207	3	1045	1228
4	1241	1407	4	1274	1497

Appendix D – Utilities

There was **no change** in the Utilities

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses ***excluding*** electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses ***excluding*** heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

Appendix E

There was **no change** in fuel. We use what the appicate uses per month or the cap of what is allowed for that month at the current price for fuel.

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

Appendix F

There was no change in Personal and Household Supplies

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

NOTE: For each additional person add \$1.25 per week or \$5.00 per month.

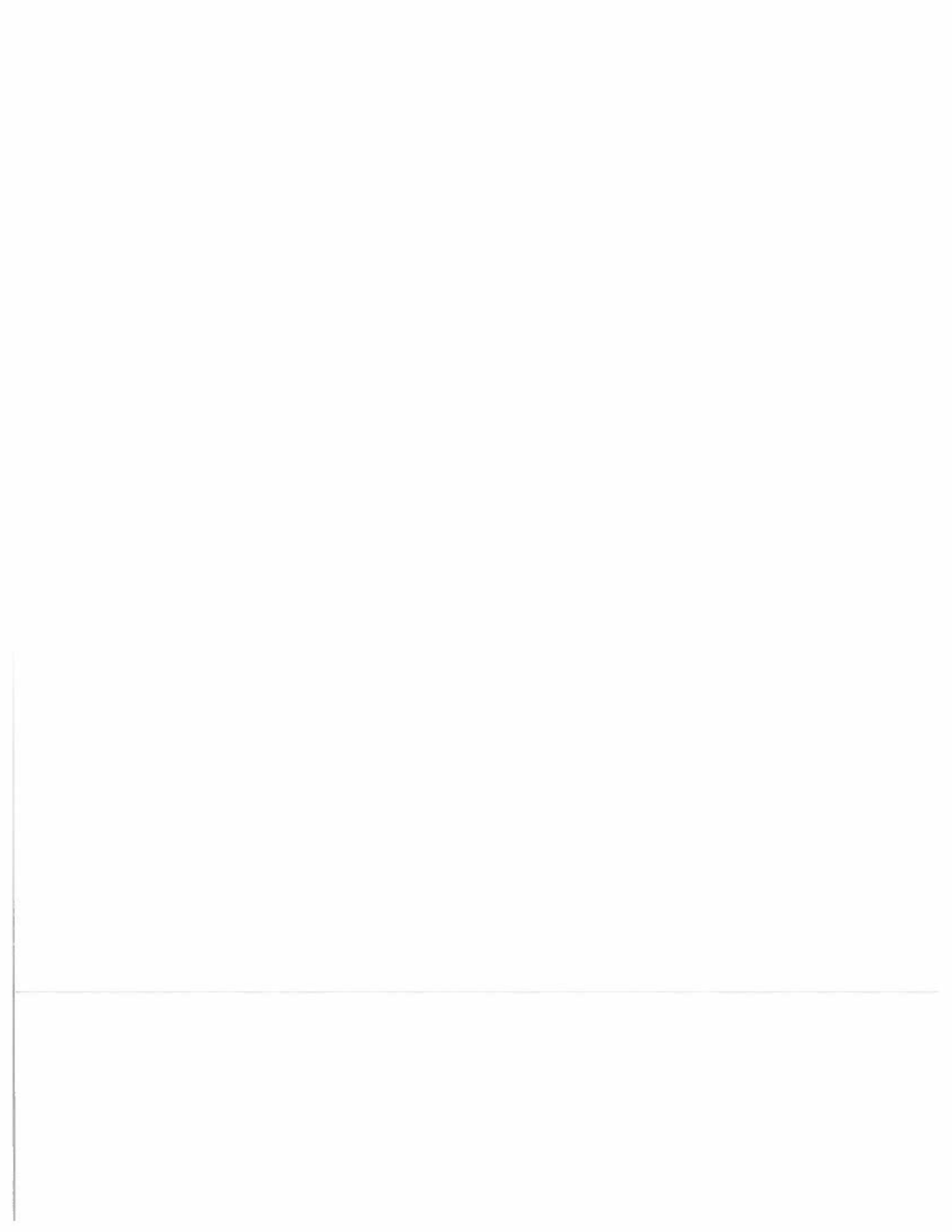


TABLE OF CONTENTS

GENERAL ASSISTANCE ORDINANCE

Article I – Statement of Policy	1
Article II – Definitions.....	3
<u>Section 2.1</u> – Common Meaning of Words.....	3
<u>Section 2.2</u> – Special Definitions.....	3
Applicant.....	3
Application Form.....	3
Basic Necessities	3
Case Record.....	4
Categorical Assistance	4
Claimant	4
Deficit	4
Disabled Person	5
Dwelling Unit.....	5
Eligible Person.....	5
Emergency	5
General Assistance Program.....	5
General Assistance Administrator	<u>65</u>
Household	6
Income.....	6
Initial Applicants.....	8
Just Cause.....	8
Lump Sum Payment	8
Material Fact.....	8
Maximum Levels of Assistance	<u>98</u>
Misconduct	<u>98</u>

Municipality.....	9
Municipality of Responsibility.....	9
Need.....	9
Net General Assistance Costs.....	9
Period of Eligibility	9
Pooling of Income.....	9
Real Estate.....	<u>109</u>
Recipient	10
<u>Registered Domestic Partner</u>	<u>10</u>
Repeat Applicants	10
Resident	10
Resources	10
30-Day Need	11
Unforeseen Repeat Applicants.....	11
Unmet Need	<u>124</u>
Work Requirements.....	<u>124</u>

Article III – Administrative Rules and Regulations 13

<u>Section 3.1 – Confidentiality of Information.....</u>	13
Release of Information	13
Information from Other Sources; Penalty	13
Misuse of Information	14
<u>Section 3.2 – Maintenance of Records</u>	14
Case Records.....	14
Retention of Records.....	15

Article IV – Application Procedure..... 16

<u>Section 4.1 – Right to Apply.....</u>	16
Who May Apply	16
Application Via Telephone.....	16

Subsequent Applicants.....	28
<u>Section 5.2 – Eligibility for Categorical Assistance.....</u>	<u>29</u>
<u>Section 5.3 – Personal Property</u>	<u>29</u>
a) Liquid Assets.....	29
b) Tangible Assets	30
c) Automobile Ownership	30
d) Insurance	31
e) Transfer of Property	31
<u>Section 5.4 – Ownership of Real Estate.....</u>	<u>31</u>
a) Principal Residence	31
b) Other Property	33
<u>Section 5.5 – Work Requirement</u>	<u>33</u>
Employment; Rehabilitation.....	33
Verification	34
Ineligibility.....	34
Ineligibility Due to Job Quit or Discharge for Misconduct	35
Just Cause	35
Applicant’s Burden of Establishing Just Cause	36
Eligibility Regained.....	36
Dependents.....	<u>37</u> ⁶
Exemptions	37
<u>Section 5.6 – Municipal Work Program</u>	<u>38</u> ⁷
Consent.....	38
Subtracting Value of Workfare Performed from Client's GA Debt	38
Limitations	38
“Workfare First” Policy.....	40
Work-Related Expenses.....	42
Disqualification	42
Eligibility Regained.....	<u>43</u> ²
Reports.....	<u>44</u> ³

<u>Section 5.7 – Use of Resources</u>	44
Minors	44
Mental or Physical Disability.....	45
Written Notice; Disqualification.....	46
Forfeiture of Benefits	46
<u>Section 5.8 – Period of Ineligibility</u>	46
Work Requirement	47
Fraud.....	47
<u>Section 5.9 – Unemployment Fraud</u>	47
 Article VI – Determination of Eligibility	48
<u>Section 6.1 – Recognition of Dignity and Rights</u>	48
<u>Section 6.2 – Determination; Redetermination</u>	48
<u>Section 6.3 – Verification</u>	49
Eligibility of applicant; duration of eligibility.....	49
Applicant's responsibilities	49
Initial Applicants	49
Repeat Applicants	50
Unforeseen Repeat Applicants.....	50
Overseer's responsibilities	50
Redetermination of eligibility	51
Penalty for Refusing to Release Information	52
<u>Section 6.4 – Fraud</u>	52
Period of Ineligibility	52
Right to a Fair Hearing	53
Reimbursement.....	53
Dependents.....	53
<u>Section 6.5 – Period of Eligibility</u>	54
<u>Section 6.6 – Determination of Need</u>	54
Income for Basic Necessities	55

Non-Electric Utilities	73
D) Fuel	73
E) Personal Care and Household Supplies.....	73
F) Other Basic Necessities	74
1) Clothing	74
2) Medical.....	74
3) Hospital Bills.....	75
4) Dental.....	76
5) Eye Care	76
6) Telephone Charge.....	77
7) Work-Related Expenses.....	77
8) Travel Expenses.....	77
9) Burials, Cremations	77
10) Capital Improvements	78
<u>Section 6.9 – Burials; Cremations</u>	<u>78</u>
Funeral Director Must Give Timely Notice	78
Application for Assistance Shall be Calculated on Behalf of the Deceased.....	79
The Financial Responsibility of Certain Family Members	79
Consideration of the Financial Responsibility of Family Members.....	80
Proration of Familial Responsibility.....	80
Eight Days to Determine Eligibility.....	81
The Municipal Obligation to Pay When Legally Liable Relatives or Others	
Can Contribute	81
Burial Expenses.....	81
Cremation Expenses	82
<u>Section 6.10 – Notice of Decision</u>	<u>82</u>
Written Decision	82
Contents	83
Disbursement of General Assistance	83

ARTICLE I

Statement of Policy

The Municipality of _____ administers a program of general assistance (GA) available to all persons who are eligible to receive assistance in accordance with the standards of eligibility as provided within this ordinance, Department of Health and Human Services (DHHS) GA policy and in 22 M.R.S.A. § 4301 et seq.

Every effort will be made to recognize the dignity of the applicant while encouraging self-reliance. The program will strive to help eligible persons achieve self-maintenance by promoting the work incentive. When possible, it will seek to alleviate needs other than financial through rehabilitative, preventive and protective services. The general assistance program will place no unreasonable restrictions on the personal rights of the applicant or recipient, nor will there be any unlawful discrimination based on sex, age, race, nationality, religion, sexual orientation or disability. The municipality is committed to including qualified individuals with disabilities in municipal services, programs, and activities. As a result, the municipality will promote a GA program that when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. GA applicants with physical or mental disabilities that require a reasonable accommodation in order to access and/or utilize the municipal GA program are encouraged to provide the municipality with advance notice regarding the accommodation request.

The general assistance administrator will act promptly on all applications for assistance and requests for fair hearings. GA applicants will be provided information regarding their rights and responsibilities under the GA program. Within 24 hours ~~after~~ after receipt ~~of~~ of an application, the administrator will provide the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The administrator will also provide the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an

any commingling of funds or sharing of income or expenses. Municipalities may by ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Real Estate. Any land, buildings, homes, mobile homes and any other things affixed to the land (22 M.R.S.A. § 4301(13)).

Recipient. A person who has applied for and is currently receiving general assistance.

Registered Domestic Partner. An individual registered as the domestic partner of the applicant pursuant to 22 M.R.S.A. § 2710.

Repeat Applicants. All applicants for general assistance that are not initial applicants are repeat applicants. For purposes of this ordinance repeat and subsequent shall have the same meaning.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality (22 M.R.S.A. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for general assistance. There are two kinds of resources: "available" and "potential". Potential resources are programs, services, non-liquid assets, or trusts that typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released.

ARTICLE III

Administrative Rules and Regulations

The following are rules and regulations for the administration of general assistance.

Section 3.1—Confidentiality of Information

Case records and all other information relating to an applicant or recipient of general assistance are confidential and will not be disclosed to the general public, unless the applicant or recipient states in writing what information is to be released (22 M.R.S.A. § 4306).

Release of Information. Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a third party, however, unless the administrator receives a consent form signed by the applicant expressly authorizing the release of his or her records to the specified parties. Whenever the administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The administrator may charge a reasonable fee for the reproduction of any records when appropriate.

Information from Other Sources; Penalty. Information furnished to the municipality by the Department of Health and Human Services or any other agency or institution pursuant to 22 M.R.S.A. § 4314, is confidential. The general assistance administrator will also comply with laws relating to the confidentiality of vital statistic records such as those concerning birth, marriage and death. (22 M.R.S.A. § 2706).

Any representative of a financial institution ~~(except national banks)~~ or any employer of a general assistance applicant who, upon receipt of a written release signed by the depositor and a written request from the Administrator, refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. Effective November 1, 2017 national banks are also obligated to disclose deposit information to the Administrator upon receipt of a written

request and release signed by the depositor. Additionally, effective November 1, 2017, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the administrator is committing a Class E crime (22 M.R.S.A. § § 4314, 4315).

Misuse of Information. Misuse of any information relating to an applicant or recipient is a punishable offense (22 M.R.S.A. § 42(2)).

Section 3.2—Maintenance of Records

The general assistance administrator will keep complete and accurate general assistance records (22 M.R.S.A. § 4306). These records are necessary to:

- a) provide a valid basis of accounting for municipal expenditures;
- b) document and support decisions concerning an applicant or recipient; and
- c) ensure the availability of all relevant information in the event of a fair hearing or judicial review of a decision by the general assistance administrator.

Case Records. The administrator will establish and maintain a separate case record, either in paper format or digital format for each applicant or recipient. Each case record will include at least:

- | | |
|--------------------------|------------------------------|
| • household applications | • information concerning the |
| • budget sheets | types and amounts of |
| | assistance provided |

assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that he or she is ~~they re~~ not eligible for the hospital's free care program.

Before the administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at section 6.6 of this ordinance.

- 4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue general assistance for dental services at the established Medicaid rates for those services, and before authorizing the general assistance benefit for dental services, the administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.
- 5) **Eye Care.** In order to be eligible to receive general assistance for eyeglasses, an applicant must have his or her medical need certified by a person licensed to practice optometry. The general assistance administrator will provide

burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the municipal administrator. In addition, the funeral director may refer legally liable relatives to the administrator so that a timely determination of financial capacity may be accomplished.

Application for Assistance Shall be Calculated on Behalf of the Deceased. For the purposes of determining residency, calculating eligibility and issuing general assistance for burial or cremation purposes, an application for assistance shall be completed by the administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under section 4.10 of this ordinance.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for general assistance inasmuch as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are eligible for general assistance, by virtue of their eligibility, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all general assistance issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The Financial Responsibility of Certain Family Members. [Through October 31, 2017,](#)  Grandparents, parents, children and grandchildren of the deceased, who live in Maine

or own property in Maine, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Effective November 1, 2017, grandparents, parents, children and grandchildren of the deceased whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the municipal administrator with any reasonably requested information regarding their income, assets, and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Effective November 1, 2017, Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313(2) and provide a written request and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased.

Consideration of the Financial Responsibility of Family Members. Generally, when the administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of Familial Responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found

signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive general assistance while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended, and which therefore may be retroactively issued to the applicant at a later date, will be required to sign a statement on an Interim Assistance Agreement form distributed by the DHHS that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the general assistance granted. Any general assistance applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S.A. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive general assistance until he or she provides the required signature (22 M.R.S.A. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S.A. § 4319). In addition, the grandchildren, children, parents, ~~and~~ grandparents, and effective November 1, 2017, the spouse and a registered domestic partner, are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on the behalf of a recipient if the relatives fail to fulfill their responsibility (22 M.R.S.A. § 4319).

CITY OF BATH, MAINE

450 Oak Grove Avenue
Bath, ME 04530



DEPARTMENT OF PUBLIC WORKS

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MEMORANDUM

TO: BATH CITY COUNCIL
FROM: LEE LEINER, PUBLIC WORKS DIRECTOR
SUBJECT: ORDINANCE BANNING SINGLE USE PLASTIC BAGS
DATE: SEPTEMBER 26, 2017
CC: PETER OWEN, INTERIM CITY MANAGER

As discussed with the City Council on September 6, 2017, the Solid Waste Advisory Committee presents an ordinance to encourage the use of reusable bags in Bath by:

- Banning the distribution of single use plastic bags, and
- Instituting a fee on single use paper bags.

Since January 2017 the committee has been studying whether Bath should adopt rules to reduce the volume of waste generated from single-use bags and polystyrene. Both of these items are found as litter in the environment as they do not break down. They foul waterways, impact wildlife, and clog storm drains. The manufacture of these items uses fossil fuels and causes the generation of greenhouse gases. Single use bags and non-recyclable foam containers contribute to a "throw-away culture" and it is hoped the ordinance will result in a return to a mindset of durability and reuse.

Single-use bags are those typically used by a business at the point of sale in which a customer would carry their purchased goods. Those goods may include groceries, house wares, clothing, jewelry, hardware items, etc. Businesses that may use these types of bags include grocery stores, convenience stores, drug stores, hardware stores, etc. The term single-use bag includes compostable and biodegradable bags, including paper bags, but does not include reusable bags, produce bags, or product bags.

The ordinance includes a fee on paper bags starting at \$0.05 per bag and rising to \$0.10 per bag one year after implementation of the ordinance, and to \$0.15 per bag two years after implementation. Businesses will keep any fee revenues from paper bag sales.

Businesses are free to choose whether to offer paper bags for purchase, to offer for purchase or give away any type of reusable bags, or require customers to bring their own bags or other containers. Customers may bring their own bags, not use bags, or purchase a paper or reusable bag.

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 13. REFUSE

Add a new Article 5 entitled "Single Use Carry-Out Bags," as follows:

Article 5 - Single Use Carry-Out Bags

Section 13-61. Purpose.

It is in the best interest of the citizens and visitors to Bath to protect the environment and natural resources of the City of Bath and the State of Maine by: discouraging the distribution and use of disposable, single- use, carryout paper shopping bags, prohibition of single-use carry out plastic bags and encouraging the use of reusable shopping bags in stores, as defined below. The purpose of this ordinance is to:

- Reduce litter arising from single use bags;
- Reduce taxpayer expenses to clean-up or otherwise manage litter and its impact;
- Reduce the environmental impact of their manufacture, transportation, and disposal;
- Create a citizenry informed about the impact of plastic in the environment; and,
- Encourage a culture of sustainability and discourage a culture of disposability.

Section 13-62. Authority.

This ordinance is enacted under the Home Rule Authority of municipalities pursuant to the Constitution of the State of Maine, Article VIII, Part 2, Section 1, the provisions of Title 30-A M.R.S. Section 3001 et. seq. as well as the general powers of municipalities to enact police power ordinances.

Section 13-63. Findings.

- Single-use carryout bags have a negative impact on the environment and wildlife; and
- The City believes that the best alternative to single-use carryout bags is the use of reusable bags for shopping, which is accomplished through prohibiting the free distribution of single-use carryout bags by stores, as defined in this section.
- It is important to keep the City of Bath as litter-free as possible to enhance the quality of life for Bath's residents and visitors; and

- Bath is a coastal community with a vested interest in protecting water resources from plastic debris; and

Section 13-64. Definitions.

Single-Use Carryout Bag means a bag other than a reusable bag, as defined below, provided at the check stand, cash register, point of sale or other point of departure from the store for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags, including paper bags, but does not include reusable bags, produce bags, or product bags.

Produce Bag or Product Bag means any bag without handles used exclusively to carry produce, meats, seafood, prescriptions, other food items or merchandise within the store to the point of sale inside such store or to prevent such items from coming into direct contact with other purchased items.

Reusable Bag means a bag that meets all of the following criteria:

- A. Is designed and manufactured to withstand repeated uses over a period of time;
- B. Is washable or made from a material that can be cleaned and disinfected regularly;
- C. If plastic, has a minimum thickness of 2.25 mils, has handles, and has the capability of carrying a minimum of 18 pounds.

Store means all retail establishments and restaurants located within the City of Bath engaged in the sale of perishable or non-perishable goods to the ultimate consumer for direct use or consumption and not for resale, such as:

- A. A drug store, pharmacy, grocery store, convenience food store, food mart, or other entity located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable items.
- B. A hardware store, home improvement supplier, clothing store, print shop, entertainment retailer, personal care product retailer including jewelry, gifts, house wares and crafts.
- C. A farmer's market and/or its tenant participants or other temporary and/or seasonal retail entities.
- D. Fairs, festivals, craft or flea markets, or other events of an infrequent and short-term nature, shall not be considered stores for the purposes of this article.

Section 13-65. Restrictions on Single-Use Carryout Bags.

- A. Prohibition. No store, as defined above, shall provide a single use carryout bag made of plastic that does not meet all the criteria as a reusable bag, as defined above, to a

customer at the check stand, cash register, point of sale or other point of departure from the store, for the purpose of transporting food or merchandise out of the establishment.

B. Single-Use Paper Carryout Bags.

- 1 A store may make available for sale to a customer a single-use paper carryout bag for a mandatory, minimum charge of five cents (\$0.05) per bag. The charge will increase to ten cents (\$0.10) per bag one year after this ordinance takes effect. The charge will increase to fifteen cents (\$0.15) per bag two years after this ordinance takes effect.
 - 2 All monies collected by a store for single-use carryout paper bags under this section shall be retained by the store and used by the store for any lawful purpose.
 - 3 All stores shall post signage at each point of sale clearly indicating the per bag charge for single-use carryout paper bags. This requirement shall not apply to restaurants.
 - 4 Notwithstanding this section, no store may make available for sale a single-use carryout paper bag unless the amount of the sale of the single-use carryout paper bag is separately itemized on the sale receipt.
 - 5 No store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in subsection (b).
- C Customer Options.** Nothing in this section shall be construed to prohibit customers from using bags of any type that the customer brings to the store for their own use or from carrying away from the store goods that are not placed in a bag provided by the store.

Section 13-66. Exemptions

A Store may be deemed exempt from the provisions of this ordinance by the City Manager, in a situation which he determines to be an emergency, threatening and requiring the immediate preservation of the public health or safety.

Section 13-67. Violations and Enforcement.

The City Manager or his/her designee(s) shall have the responsibility for enforcement of this Ordinance. If the City Manager or his/her designee(s) determines that a violation of this Ordinance has occurred and is the first violation by the establishment within a one-year period, he/she shall issue a written warning notice to the Store that a violation has occurred. Subsequent violations of the Ordinance shall be subject to the penalties set forth below.

Violations of this Ordinance shall be punishable by fines as follows:

- A fine not exceeding \$250 for the second violation in a one-year period;
- A fine not exceeding \$500 for the third and each subsequent violation in a one-year period.

Each day that a violation occurs will be considered a subsequent violation.

Section 13-68. Effective Date.

The provisions of this ordinance shall become effective on Earth Day, April 22, 2018.

Section 13-69. Severability.

If any part or provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable.

CITY OF BATH, MAINE

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Bath, ME 04530

**DEPARTMENT OF PUBLIC WORKS**

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MEMORANDUM

TO: BATH CITY COUNCIL
FROM: LEE LEINER, PUBLIC WORKS DIRECTOR
SUBJECT: ORDINANCE BANNING POLYSTYRENE FOAM CONTAINERS
DATE: SEPTEMBER 26, 2017
CC: PETER OWEN, INTERIM CITY MANAGER

As discussed with the City Council on September 6, 2017, the Solid Waste Advisory Committee presents an ordinance to ban the use of polystyrene foam containers for prepared food.

Since January 2017 the committee has been studying whether Bath should adopt rules to reduce the volume of waste generated from single-use bags and polystyrene. Both of these items are found as litter in the environment as they do not break down. They foul waterways, impact wildlife, and clog storm drains. The manufacture of these items uses fossil fuels and causes the generation of greenhouse gases. Single use bags and non-recyclable foam containers contribute to a "throw-away culture" and it is hoped the ordinance will result in a return to a mindset of durability and reuse.

Polystyrene means and includes blown polystyrene and expanded and extruded foams (sometimes referred to as Styrofoam®, a Dow Chemical Company trademarked form of polystyrene foam insulation). This material is typically used to manufacture containers for food sales. The ordinance would ban the use of cups and packaging made of polystyrene by any Bath business for the purpose of selling prepared food. There are exceptions for raw meats and seafood and other uses.

Businesses choosing to offer packaging for prepared foods must select packaging made of a material other than polystyrene foam. There are several alternatives available. Use of polystyrene foam containers will not be permitted at any City government sponsored event or facility. This ordinance does not ban the sale of polystyrene foam containers to the public.

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 13. REFUSE

Add a new Article 6 entitled “Consumer Packaging,” as follows:

Article 6 - Consumer Packaging

Section 13-91. Purpose.

It is in the best interests of the citizens and visitors to Bath to protect the environment and natural resources of the City of Bath and the State of Maine and the waterbodies within and surrounding the City by prohibiting the use and distribution of polystyrene food service ware and promoting and requiring the use of biodegradable, recyclable, and compostable alternatives. Therefore, the purpose of this Ordinance is to ban the use of polystyrene foam food service ware in order to reduce litter, to minimize the impact on the City's landfill, reduce the necessity to manage litter and the impact of that litter, and reduce the expense to the taxpayers for cleanup and to reduce the environmental impact of the use of polystyrene foam food service ware.

Section 13-92. Authority.

This ordinance is enacted under the Home Rule Authority of municipalities pursuant to the Constitution of the State of Maine, Article VIII, Part 2, Section 1, the provisions of Title 30-A M.R.S. Section 3001 et. Seq. as well as the general powers of municipalities to enact police power ordinances.

Section 13-93. Findings.

- Polystyrene foam food service ware is not biodegradable and the litter that it causes does not decompose over time but remains in the natural environment.
- Polystyrene foam food service ware constitutes a significant adverse environmental impact. It creates problems for the City's waste management programs, litters the City's streets, parks, public places, and open spaces, clogs storm drains, culverts, and catch basins, and creates significant expense to remove the litter, while damaging terrestrial and marine habitats.
- National and international organizations have acknowledged the threat of chlorofluorocarbons to the earth's atmosphere and depletion of the ozone layer.

- Products which are degradable, recyclable, and compostable offer environmentally sound alternatives to the non-degradable and non-recyclable products currently used. The use of these products and the banning of polystyrene foam food service ware provides a lesser danger to the natural environment, resulting in less environmental damage and reduced costs.

Section 13-94. Definitions.

As used in this article, the following terms have the following meanings:

Biodegradable means the entire product or package will completely break down and return to nature, i.e., decompose into elements found in nature, within a reasonably short period of time after customary disposal, and is consistent with the materials accepted at the composting facility used by the City of Bath.

Disposable food service ware means all containers, bowls, plates, trays, cartons, cups, and other items that are designed for one-time use and on, or in, which any restaurant or retail food vendor directly places or packages prepared foods or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at restaurants or retail food vendors.

Food packager means any person who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.

Prepared food means food or beverages that are served at the food vendor's location having been previously prepared elsewhere or are prepared at the vendor's location by cooking, chopping, slicing, mixing, brewing, freezing or squeezing. "Prepared food" does not mean raw uncooked meat or eggs. Prepared food may be eaten either on or off premises.

Polystyrene foam means and includes blown polystyrene and expanded and extruded foams (sometimes referred to as Styrofoam®, a Dow Chemical Company trademarked form of polystyrene foam insulation) which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. For the purposes of this chapter, the term "polystyrene" shall not include clear polystyrene known as "oriented polystyrene."

Restaurant, for purposes of this Article, means any establishment located within the City of Bath that sells prepared foods for consumption on, near, or off its premises by a customer.

Retail food vendor means any person, restaurant, store, shop, sales outlet or other establishment, including without limitation, a grocery store, convenience or variety store or a delicatessen located within the City of Bath which sells prepared foods.

Section 13-95. Prohibitions.

- (a) No retail vendor shall serve or sell prepared food in polystyrene foam containers and shall not package meat, eggs, bakery products or other food in polystyrene foam containers.
- (b) No food packager shall package meat, eggs, bakery products or other food in polystyrene foam containers.
- (c) The City shall not use polystyrene foam food or beverage containers at any City facility or City-sponsored event.
- (d) No City department or facility shall purchase or acquire polystyrene foam food or beverage containers.
- (e) All parties who contract with the City shall be prohibited from using polystyrene foam food and beverage containers in City facilities or on City-funded projects within the City.

Section 13-96. Exemptions.

- (a) The sale and packaging of raw and live seafood is exempt from the provisions of this article.
- (b) Retail vendors, food packagers, City departments, City facilities and contractors shall be exempt from the provisions of this article, in a situation deemed by the City manager to be an emergency for the preservation of the public peace, health or safety.
- (c) Retail vendors that receive items, pre-packed in polystyrene foam food or beverage containers, packaged outside of the City of Bath, may re-sell items without repackaging those items.

Section 13- 97. Required biodegradable and compostable disposable food service ware.

- (a) All food vendors using any disposable food service ware will use biodegradable or compostable disposable food service ware unless they can show an affordable biodegradable or compostable product is not available for a specific application. Food vendors are strongly encouraged to provide reusable food service ware in place of disposable food service ware.
- (b) All City facilities will use biodegradable or compostable disposable food service ware unless they can show an affordable biodegradable or compostable product is not available for a specific application.
- (c) City contractors and vendors doing business with the City will use biodegradable food service ware in City facilities or on City projects within the City of Bath, unless they can show an affordable biodegradable or compostable product is not available for a specific application.

Section 13-98. Violations and enforcement.

The City Manager or his/her designee(s) shall have the responsibility for enforcement of this ordinance. If the City Manager determine(s) that a violation of this ordinance has occurred

and is the first violation by the establishment within a one-year period, he/she shall issue a written warning notice to the food vendor that a violation has occurred. Subsequent violations of the Ordinance shall be subject to the penalties set forth below.

Violations of this Ordinance shall be punishable by fines as follows:

- A fine not exceeding \$250 for the second violation in a one-year period;
- A fine not exceeding \$500 for the third and each subsequent violation in a one-year period. Each day that a violation occurs will be considered a subsequent violation.

Section 13-99. Effective date.

The provisions of this Ordinance shall become effective on Earth Day, April 22, 2018.

Section 13-100. Severability.

If any part or provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby, and shall continue in full force and effect. To this end, provisions of this ordinance are severable.

City of Bath

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Bath, Maine 04530

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Planning & Development

MEMORANDUM

TO: Mari Eosco, Chair
City Councilors

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

DATE: September 26, 2017

RE: Land Use Code Amendment to Floodplain Ordinance

The Planning Board has unanimously recommended adoption of the attached amendments to the floodplain ordinance. These amendments are proposed to bring our local code into conformance with the state's model code.

Besides clerical omissions, the principal modification is the standards of review for accessory structures within the Shoreland zone. This issue was raised to Staff's attention as part of a development review inquiry from our Code Enforcement Officer to the state.

No members of the public spoke at the public hearing held by the Planning Board on September 19, 2017.

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 LAND USE CODE OF THE CITY OF BATH ADOPTED JULY 19, 2000, AND SUBSEQUENTLY AMENDED, BE HEREBY FURTHER AMENDED AS FOLLOWS:

ARTICLE 15: FLOODPLAIN MANAGEMENT ORDINANCE

[NEW ARTICLE JULY 16, 2015]

Amend the following Sections by adding the underlined text and omitting the crossed out text, as follows:

SECTION 15.02 PERMIT REQUIRED

Before any construction or other development (as defined in Section 15.0414), including the placement of manufactured homes, begins within any areas of special flood hazard established in Section 15.01, a Flood Hazard Development Permit must be obtained except as provided in Section 15.07. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Bath, Maine.

SECTION 15.05 REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 15.09 10 of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Section 15.03, 15.06, and Section 15.08 of this Ordinance.

SECTION 15.06 DEVELOPMENT STANDARDS

- J. **Accessory Structures** - Accessory Structures, as defined in Section 15.14, located within Zones A and AE, AO,, AH and A, shall be exempt from the elevation criteria required in Section 15.06.F. & G. above, if all other requirements of Section 15.06 and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than \$3000;

21. have unfinished interiors and not be used for human habitation;

23. have hydraulic openings, as specified in Section 15.06.L.2., in at least two different walls of the accessory structure;
34. be located outside the floodway;
45. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
56. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

SECTION 15.105 ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).