

**REGULAR MEETING MINUTES  
CITY COUNCIL OF THE CITY OF BATH, MAINE  
Wednesday, June 7, 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 stated that due to issues with the public being able to hear Councilors, she may be asking them to speak louder and into their microphones. She also made an announcement there would be an Executive Session regarding a Personnel Matter added to the agenda and that the Agenda Packets are now available on the City Web Page under Council/Agendas. Madame Chair reported that the Old YMCA Property matter would be continued at the August 2<sup>nd</sup> Regular Council Meeting because one of the applicants couldn't make it to the July meeting.

**C. Public Hearings 6:03PM**

**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)**

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

**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 to 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 Park seconded the motion.

City Manager Giroux gave details regarding this Bond Ordinance.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 8-0**

Madame Chair Eosco stated this would become law in 21 days.

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

Madame Chair Eosco read the following Ordinance:

**ORDINANCE**

**SUPPLEMENTAL APPROPRIATION**

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

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

WHEREAS, the sum proposed to be appropriated by this Supplemental Appropriation, totaling Two Hundred 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 Bauer 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: Omo, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Page**

**NAYS: None**

**Ordinance passed unanimously. 8-0**

Madame Chair Eosco stated this would become law in 21 days.

**D. Consent Agenda 6:07 PM**

**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)**

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

**E. Time Devoted to Residents to Address the City Council 6:10 PM**

Lorry Fleming of 144 North Street spoke regarding the Old YMCA Property and hoped the Council would make sure the two proposals were considered on an equal basis and the process was transparent to the public.

Karen Weinberg of 212 Centre Street spoke regarding having a public discussion on the Old YMCA Property options before the August Council Meeting. Madame Chair stated that at the August meeting there would be a time for public comment on this subject.

**F. Ordinances, Resolutions and Orders 6:21 PM**

**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.**

*This Item was passed on the Consent Agenda.*

**5) Authorization to hold Heritage Days**

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

Jacob Korb, Director of Main Street Bath gave an overview of the upcoming festivities for the 45<sup>th</sup> Annual Bath Heritage Days. He reported that Heritage Days would run from June 30<sup>th</sup> – July 4<sup>th</sup> and would have the usual attractions such as the Parade on July 4<sup>th</sup> at 10 AM, Carnival starts operating the evening of June 30<sup>th</sup> at 5PM, “Art in the Park” will be held on July 2, there will be music on June 30<sup>th</sup> –

July 4<sup>th</sup> and the Fireworks will be on the night of July 4<sup>th</sup> starting at 9 PM. Morse H.S. Boosters' Chicken BBQ will be starting it off on June 30<sup>th</sup> at 5PM.

**VOTE to go forth with plans for Heritage Days:**

**YEAS: 8**

**NAYS: 0**

**Passed unanimously. 8-0**

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

Madame Chair Eosco read the following Ordinance:

## **ORDINANCE**

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

### **CHAPTER 17. VEHICLES AND TRAFFIC**

#### **Article 6. Stopping, Standing and Parking**

##### **Section 17-259. Parking Restrictions**

##### **Middle StreetEast 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.

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

Police Chief Field stated that the Transportation Committee worked on the parking in this area because it is too close to driveways and with overtime parking, it makes it not a good area for parking. He reported that the Committee asked that this area be no parking. Chief Field stated this would make the area much safer for visibility and movement of traffic.

**ROLL CALL VOTE:**

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

**NAYS: None**

**Ordinance passed unanimously. 8-0**

Madame Chair Eosco stated that second passage will be on July 5, 2017 at 6:01 PM.

**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)**

Madame Chair Eosco read the following Ordinance:

**ORDINANCE**

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

**CHAPTER 17. VEHICLES AND TRAFFIC**

**Article 6. Stopping, Standing and Parking**

**Section 17-210. 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

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

City Planner Andrew Deci explained with the redesign of the Huse School Building this Ordinance change would better facilitate traffic flow to the area.

**ROLL CALL VOTE on Ordinance:**

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

**NAYS: NONE**

**Ordinance passed unanimously. 8-0**

Madame Chair Eosco stated that second passage will be on July 5, 2017 at 6:02 PM.

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

Madame Chair Eosco read the following Order:

**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.

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

Finance Director Juli Millet explained how the process works.

**VOTE:**

**YEAS: 8**

**NAYS: 0**

**Order Passed Unanimously. 8-0**

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

**RESOLUTION – CITY OPERATING BUDGET**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, that the City Operating Budget for the fiscal year commencing on July 1, 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.

*The Summary is on file with the agenda materials for the June 7, 2017 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

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

**RESOLUTION – CITY CAPITAL IMPROVEMENT BUDGET**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, that the City Capital Improvement Budget as reallocated and/or appropriated for the fiscal year commencing on July 1, 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.

*The Summary is on file with the agenda materials for the June 7, 2017 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

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

**RESOLUTION – LANDFILL FUND BUDGET**

***BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE***, that the Landfill Fund Budget as reallocated and/or appropriated for the fiscal year commencing on July 1, 2017 and terminating on June 30, 2018, be and hereby is adopted with a total expenditure of **\$1,813,634.00** balanced with an equal amount of estimated revenue. Summary of appropriations is attached on the following page.

*The Summary is on file with the agenda materials for the June 7, 2017 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

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

**RESOLUTION – SEWER UTILITY FUND BUDGET**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE**, that the Sewer Utility Fund Budget for the fiscal year commencing on July 1, 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.

*The Summary is on file with the agenda materials for the June 7, 2017 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

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

**RESOLUTION – BATH CITY BUS FUND BUDGET**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE**, that the Bath City Bus Fund Budget for the fiscal year commencing on July 1, 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. Summary of appropriations is attached to this Resolution on the following page.

*The Summary is on file with the agenda materials for the June 7, 2017 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

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

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

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE**, that the Bath Trolley and Transportation Fund Budget for the fiscal year commencing on July 1, 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.

*The Summary is on file with the agenda materials for the June 7, 2017 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

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

**RESOLUTION TO INCREASE THE LD1 TAX LEVY LIMIT**

**BE IT RESOLVED** by the City Council of the City of Bath, to increase the tax levy limit of **\$7,861,593.00** by the amount required by the adoption of the 2017-2018 budget (estimated increase \$0).

*This Item was passed on the Consent Agenda.*

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bath, that the interest rate due and payable for all delinquent taxes shall be set at the rate of 7.0% per annum, for taxes assessed during the 2017-2018 Fiscal Year.

*This Item was passed on the Consent Agenda.*

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

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

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

That the interest rate due and payable for all delinquent sewer bills shall be set at the rate of 7.0% per annum, for all sewer user fees assessed during the 2017-2018 Fiscal Year.

*This Item was passed on the Consent Agenda.*

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

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

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

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

*This Item was passed on the Consent Agenda.*

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

**RESOLUTION – SPECIAL PURPOSE FUND COMPONENT**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE**, that the City of Bath's Special Purpose Fund as reallocated and/or appropriated for the fiscal year commencing on July 1, 2017 and terminating on June 30, 2018, be and is adopted for the purpose of funding the accounts attached to this Resolution below:

## **SPECIAL PURPOSE FUNDS - CITY**

As of June 1, 2017

### **0300 Special Purpose**

350 2Townlanding  
352 Butler Head Sugarbush  
353 Butler Head Signs & Improvement  
356 Downtown Signs  
357 Bike ME  
358 RT 1 Hotel  
718 Tree Planting  
731 Skate Park Committee  
781 Downtown Wellness  
782 City Dock/FD Sec Dock  
935 Assessor Records Preservation  
964 Efficiency Maine PACE Grant  
969 Police K9 Fund  
8110 Swimming Pool Fund  
8722 Bath Clocks Maintenance  
8787 Tourism  
8779 CVS Route 1

### **0302 Cemetery and Parks**

253 Milled Lumber  
301 Forestry Trust-Prin & Interest  
302 Forestry Committee  
303 Druid Park  
304 Vandalism & Damage  
305 Cemetery Firewood  
379 BIW South End Park  
8675 Library Gazebo

### **0304 Fire Department**

315 Fire Department Training  
316 FD HoverJack

### **0306 Forestry**

310 Forestry – Proj Canopy-muscle  
311 Forestry – USDA Interns  
312 Forestry – Proj Canopy-apple  
355 Forestry – Green Downtown

### **0308 General Assistance**

307 Almoner Fund  
371 Charitable Contribution Fund

### **0309 Planning Department**

652 Comprehensive Planning  
653 Climate Adaption

### **0310 LAMBERT PARK CC**

330 Lambert Park

### **0312 Police Grants**

318 Jumpstart  
320 Dare  
321 OUI Grant  
322 Juvenile Assistance Fund  
324 PD Bike Safety  
325 Under Aged Drinking  
326 Seatbelt Safety Program

327 Police Drug Forfeiture  
328 Speed Enforcement  
329 Byrnn Grant  
724 Bullet Proof Vest Program  
729 Cop Card Grant  
748 PD Radar

### **0314 Recreation**

333 Midcoast Comm. Alliance  
335 McMann Field Renovation  
336 Rec Scholarship Fund  
337 Community Garden  
338 Soccer  
339 ASA Softball  
340 Lacrosse  
341 Mens Softball League  
342 Little League Registrations  
343 Bath Babe Ruth League  
344 Youth Football League  
345 Youth Cheerleading  
347 Advertising Signs  
348 McMann Advertising  
349 Summer Meals Program  
748 Artworks  
8188 Wrestling  
8720 Lambert Park Com.Center  
8721 Rec Parks Imp

*This Item was passed on the Consent Agenda.*

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

### **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 \$3,000,000 and that the interest rate, maturities, and denominations for the Notes shall be established by the Treasurer with the approval of the Chair of the City Council and the City Manager. The Notes, and any extensions, renewals, or replacements thereof, shall be signed by the Treasurer and countersigned by the Chair of the City Council and the City Manager, attested to by the Clerk, and shall be payable on or before June 30, 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.

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

*This Item was passed on the Consent Agenda.*

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bath, pursuant to their authority under the Code of the City of Bath, that the following rate structure, listed in the attached table, be and hereby is adopted for all fees, charges, and special assessments, to be effective July 1, 2017.

*The Proposed Rate Structure is on file with the agenda materials for the June 7, 2017 meeting in the City Clerk's Office.*

*This Item was passed on the Consent Agenda.*

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

**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.

*This Item was passed on the Consent Agenda.*

#### **G. Petitions & Communications 6:38 PM**

There were no petitions or communications at this time.

#### **H. City Manager's Report 6:38PM**

Jamie Dorr, President of the Bath Youth and Meeting House Board, gave an overview of the makeup and activities of the Mid Coast Community Alliance and what they were doing to help the areas at risk youth. Ms. Dorr thanked the Council and City Staff for their involvement and support with this matter.

Fire Chief Renaud reported to the Council the need for a new fire truck as the one being used has had to be removed from service due to no longer being safe to use. City Manager Giroux explained that he felt the purchase of a new unit was necessary and would be bring the purchase of this vehicle to Council at the July 5<sup>th</sup> meeting.

City Manger Giroux announced that he would be resigning his position on July 6<sup>th</sup> to pursue some traveling and personal time. He also thanked the Council and City Staff for their support during his 11 plus years.

#### **I. Committee Reports 7:09 PM**

Councilor Paulhus reported the Transportation Committee is working on a tracking system for the complaints and comments from the public to help with making decisions in traffic issue solutions.

Councilor Park reported the Bath Community Forestry Committee would be hosting an invasive species workshop at Butler Head on June 17<sup>th</sup> at 9 AM to 1 PM.

#### **J. Unfinished Business 7:11 PM**

There was no unfinished business.

#### **K. New Business 7:11 PM**

There was no new business.

#### **L. Councilor Announcements 7:11 PM**

Councilor Paulhus reported on the dedication of the bench at Waterfront Park on May 20<sup>th</sup> in memory of Bath Police Sergeant Merle D. Niles who died from injuries obtained in the line of duty to the City. He commended Bath Police Sergeant Dan Couture that did all the work getting this recognition for Sergeant Niles and the Bath Police Department for putting the ceremony together. Councilor Paulhus thanked City Manager Giroux for his years of service to Bath, the City Staff for all they do to make the City great and the Councilors past, present and future for their service to the community.

Councilor Page reminded the public of the Sports Boosters Chicken BBQ on June 30<sup>th</sup> and urged them to purchase tickets ahead of time. He thanked City Manager Giroux for his service to the City.

Councilor Omo thanked City Manager Giroux for his service.

Madame Chair Eosco welcomed the Morse High Alumnus Home for Alumni Weekend. She reported that the Sagadahoc Preservation House Tour would be held on June 17<sup>th</sup> and the Zorach Fountain rededication ceremony at the Library Pond on June 25<sup>th</sup> at 3PM,

Councilor Comeau made a motion at 7:20 PM to go into Executive Session to discuss a Personnel Matter per 1 MRSA §405(6)(A) . Councilor Bauer seconded the motion. All were in favor of the motion.

Councilor Wyman made a motion at 7:53 PM to come out of Executive Session. Councilor Park seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:54 PM with a motion by Councilor Park seconded by Councilor Wyman. All were in favor of the adjournment.

Attest:

Mary J. White, City Clerk

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