

**REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, June 6, 2018 6:00 PM
City Council Chambers, Bath**

Present: Councilors Bailey, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Ambrosino and Madame Chair Eosco.

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

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

Presentation of a plaque to Councilor Gregory Page for his 3 years of service to the City of Bath as Councilor of Ward 1.

Presentation by Jamie Dorr regarding RSU #1's first "Back to School: Set for Success" event.

C. Public Hearings 6:08 PM

1) BOND ORDINANCE: Authorizing Issuance of \$1,000,000 of General Obligation Bonds to Finance Wastewater Infrastructure Improvements. (second passage)

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

BOND ORDINANCE

**AUTHORIZING ISSUANCE OF \$1,000,000 OF GENERAL OBLIGATION BONDS TO FINANCE
WASTEWATER INFRASTRUCTURE IMPROVEMENTS**

RECITALS

WHEREAS, by an approving referendum vote on November 3, 2015, the City of Bath authorized \$9,800,000 of general obligation bonds (the "Original Bonds") to finance the following wastewater infrastructure improvements (the "Projects"):

- Water Pollution Control Facility Improvements and Upgrades, including but not limited to dewatering, aeration and structural work upgrades;
- Combined Sewer Overflow Abatement Improvements and Upgrades;
- Pump Station Improvements and Upgrades; and

WHEREAS, the cost of the Projects has increased and now exceeds the costs anticipated when the Original Bonds were approved; and

WHEREAS, the City Council desires to authorize \$1,000,000 of additional bonds for the Projects and to authorize a longer maturity for the Original Bonds;

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

- Section 1. That a sum up to, but not to exceed, \$1,000,000, plus the sale premium of the bonds/notes authorized in Section 2 below, is hereby appropriated for the purpose of financing additional costs of the Projects.
- 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 and notes in anticipation thereof, in the stated principal amount of up to, but not to exceed, \$1,000,000 under and pursuant to the City Charter and 30-A MRSA §5772.
- Section 3. That any and all bonds/notes issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager.
- Section 4. That any and all bonds/notes issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, pursuant to Section 807 of the City Charter.
- Section 5. That the term of any bonds/notes issued pursuant to this Ordinance, and the term of the Original Bonds, shall not exceed the maximum term permitted by Section 807 of the City Charter.
- Section 6. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds/notes to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.
- Section 7. The City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized to make any bonds/notes issued pursuant to this Ordinance subject to call for redemption with or without premium prior to the stated maturity date at the election of the City.
- Section 8. That the proceeds of any bonds/notes issued pursuant to this Ordinance shall be used only for those purposes specified in Section 1 above and any proceeds not used for such purposes shall be applied to repayment of the principal and/or interest of such bonds/notes.
- Section 9. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate some or all of the bonds/notes 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 10. That if the actual cost of any of the Projects differs from the estimated cost, the City Treasurer is authorized, in her discretion to reallocate proceeds of the Bonds to any other of the listed Projects.
- Section 11. That the bonds/notes 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 12. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds/notes and the financing of the Projects.

- Section 13. That if the City Treasurer, Chair of the City Council, the City Manager, or Clerk are for any reason unavailable to approve and execute the bonds/notes or any related financing documents, as authorized by this Ordinance, the person or persons then acting in 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 14. That in the event the City Treasurer elects to issue such bonds/notes to or 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 \$1,000,000 with a term not to exceed the term of the bonds/ notes, said loan agreement to be in the usual and ordinary form utilized by the Bond Bank in connection with its General Resolution Program or the State Revolving Loan Fund Program, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the City Treasurer, the Chair of the City Council and the City Manager may approve, their approval to be conclusively evidenced by the execution thereof.
- Section 15. That the following provisions required by Section C(4)(e) of the State of Maine Revolving Loan Fund Rules, Chapter 595, Department of Environmental Protection and Maine Municipal Bond Bank (the “SRF Regulations”), and governing the loan to be made to the City under the State Revolving Loan Fund Program be and hereby are adopted:
- (1) That a Project Account shall be created for the Projects which shall be separate from all other accounts of the City. If operating revenues are to be used to retire the debt, a sub-account will be established.
 - (2) That the Project Account shall be maintained in accordance with standards set forth by the Maine Municipal Bond Bank and in accordance with generally accepted government account standards.
 - (3) That a final accounting shall be made to the Bond Bank of the total cost of the Projects upon completion of the Projects performance certification as set out in Section G(3) of the SRF Regulations and the City acknowledges that the Bond Bank reserves the right at its sole discretion to be provided with a cost certification of the Projects as built.
 - (4) That an annual audit of the City, prepared by a certified public accountant or licensed public accountant be provided to the Bond Bank for the term of the loan.
 - (5) That the City shall maintain insurance coverage on the Projects in an amount adequate to protect the Bond Bank’s interest for the term of the loan with the Bond Bank named as loss payee.
 - (6) That the City will comply with any special conditions specified by the Department of Environmental Protection’s environmental determination until all financial obligations to the State have been discharged.
 - (7) That the City certify to the Bond Bank that it has secured all permits, licenses and approvals necessary and that it has a dedicated source of revenue for repayment.
 - (8) That the City establish a rate, charge or assessment schedule in order to pay principal and interest. Such rate change or schedule shall provide total operations and debt service coverage at a level at which the coverage for the Bond Bank is sufficient.

(9) That the City must demonstrate the ability to pay reasonably anticipated costs of operating and maintaining the financed Projects.

(10) That the City abide by the SRF Regulations, as revised and amended and relevant State statutes of the State of Maine.

Section 16. 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 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 17. That this Ordinance shall become effective twenty-one (21) days after its publication and posting in accordance with Section 805 of the City Charter.

Section 18. 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 Bauer made a motion to put this Ordinance on the floor for discussion. Councilor Park seconded the motion.

City Finance Director Juli Millett explained the \$1,000,000 would be borrowed through the State Revolving Fund as they have granted principal forgiveness on the Bond, therefore the City would not have to pay the Bond back.

ROLL CALL VOTE:

YEAS: Bailey, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Ambrosino

NAYS: None

Ordinance passed. 8-0

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

2) BOND ORDINANCE: Authorizing up to \$283,000 of the City's General Obligation Bonds to Finance the Acquisition of Vehicles and Equipment. (second passage)

Councilor Wyman made a motion to waive the reading of the Bond Ordinance. Councilor Bailey seconded the motion. All were in favor of the waiving motion.

BOND ORDINANCE

AUTHORIZING UP TO \$283,000 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, \$283,000, 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:

- Police Animal Control Used Van
- PPE Extractor Washer/ Dryer (Fire)
- Police Vehicle
- Forestry - 1 ton Truck with Dump
- PW Loader Replacement with Forks

Councilor Wyman made a motion to waive the reading of the Bond Ordinance. Councilor Ambrosino seconded the motion. All were in favor of the waiving motion.

- 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, \$283,000 under and pursuant the City Charter and Title 30-A, Section §5772 of the Maine Revised Statutes.
- Section 3. That any and all bonds or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager.
- Section 4. That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, the total amount of which shall extinguish the entire debt at maturity pursuant to the requirements of 30-A M.R.S.A. Section 5772(3), pursuant to Section 807 of the City Charter.
- Section 5. That the term of any bonds issued pursuant to this Ordinance shall not exceed eleven (11) years.
- Section 6. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by the execution thereof.
- Section 7. That the City Treasurer, with the approval of the Chair of the City Council and the City Manager, is hereby authorized to make any bonds or notes in anticipation thereof issued pursuant to this Ordinance subject to prepayment and call for redemption with or without premium prior to the stated maturity date at the election of the City.
- Section 8. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.
- Section 9. That the bonds or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.
- Section 10. That in the event the City Treasurer elects to issue such bonds or notes in anticipation thereof through the Maine Municipal Bond Bank (the "Bond Bank"), that the City Treasurer and the Chair of the City Council and the City Manager be and hereby are authorized, on behalf of the City, to enter into a loan agreement with the Bond Bank in conjunction with the issuance of the bonds or notes, in the aggregate principal amount not to exceed \$283,000 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 Wyman made a motion to put this Ordinance on the floor for discussion. Councilor Bauer seconded the motion.

ROLL CALL VOTE:

YEAS: Ambrosino, Park, Bauer, Comeau, Wyman, Nordmann, Paulhus, Bailey

NAYS: None

Ordinance passed. 8-0

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

3) Ordinance: Supplemental Appropriation in the amount of \$165,000.00 (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 One Hundred Sixty-Five Thousand Dollars (\$165,000.00), 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 One Hundred Sixty-Five Thousand Dollars (\$165,000.00), be and hereby is supplementally appropriated from the General Fund Undesignated Fund Balance (Account 01-2500-00) to the Council Contingency Account (Account 01-0012-402).

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

ROLL CALL VOTE:

YEAS: Bailey, Paulhus, Nordmann, Wyman, Comeau, Bauer, Park, Ambrosino

NAYS: None

Ordinance passed. 8-0

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

D. Consent Agenda 6:15 PM

4*) Minutes of the Regular Council Meeting on May 2, 2018, Public Hearing on City Budget and Special Council Meeting on May 16, 2018 and Items F10 through F22. (Motion to Accept as Presented)

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

E. Time Devoted to Residents to Address the City Council 6:17 PM

Daniel Dunn of 54 Richardson Street expressed concerns of continuing traffic issues on Richardson Street. He brought up an incident he had witnessed recently with a school bus and a speeding car not stopping and going past the stopped school bus. Mr. Dunn brought up suggestions made by MDOT at the February meeting and asked why these suggestions have not been followed through on.

F. Ordinances, Resolutions and Orders 6:23 PM

5) Authorization to hold Heritage Days



F5

May 25, 2018

Bath City Council
55 Front Street
Bath, ME 04530

Dear Bath City Council:

Main Street Bath, Inc. respectfully requests City Council endorsement for the 46th Annual Bath Heritage Days Celebration scheduled for Friday, June 29 – Tuesday, July 4, 2018.

Bath Heritage Days: We seek permission to hold the 2018 Bath Heritage Days in downtown Bath, Waterfront Park and City Park from 2 p.m. on June 29 through 11pm on July 4. Events will include a five-mile run, Independence Day Parade, BBQ, Firemen's Muster, a Maine Artisan's Marketplace, children's activities, live music on the Waterfront Dock and in the City Park Gazebo, Smokey's Greater Shows Carnival, an Antique Car Show, and Fireworks over the Kennebec River.

Carnival: The Carnival provider is Smokey's Greater Shows. We plan to have the carnival and midway on Commercial Street between Bathport and the Visitor Center parking lot as in recent years. We have permission from the MDOT to use the area under the bridge. Accommodations will be made for access to other private lots as available. **Operating Hours:** The carnival's operating hours will begin Friday, June 29 at 4pm and run daily through July 4 from 11:00 a.m. until 11pm.

Traffic: Carnival detour traffic will be designated from June 29 - July 5 to allow for setup and breakdown. In addition to the partial closing of the South end of Commercial Street, we ask permission for "no parking" zones on Friday, Saturday, and Sunday, on the East side of Washington Street and on Linden Street surrounding City Park for additional pedestrian safety. We request the closing of Front Street between Summer and Linden on Saturday for the Fireman's Muster and Centre and Elm Streets for the Front Street Shuffle on Sunday from 9am-3pm. A portion of Commercial Street will be left open to traffic until 5pm on Friday to make employee parking accessible at businesses. We also request a total of 4 additional temporary spaces be reserved for handicapped parking on Washington and Commercial Streets in close proximity to activities. No parking signs will be posted along the parade route on Tuesday night before the parade.

Parade: The 2018 Heritage Days Parade will be held at 10:00 AM on Wednesday, July 4th. Line up will be on the old Brunswick Road, parts of North Street, Congress Avenue and Oak Grove Avenue. The parade registration table will be on Congress Avenue near the Lincoln Street intersection. The parade will travel south on Lincoln Street, east on Centre Street, North on Front Street and will disband at Front and North Streets.

Fireworks: We seek permission to have fireworks viewing in the downtown area near Waterfront Park on Wednesday, July 4th. We will shoot the fireworks display from Reed and Reed in Woolwich. We will have the proper license approval from the Maine State Fire Marshall.

Trash: Garbage to Garden will provide trash pickup and toilets. City and Waterfront Parks will be posted as tobacco free zones, with compliance requested but not enforced.

Fees, Licenses and City Services: We seek permission for the Waiver of all City of Bath fees and license requirements for all participants at Bath Heritage Days. Also, permission for the City to absorb all City costs, except for additional Police coverage at events, including, but not limited to, the parade, the carnival and the fireworks.

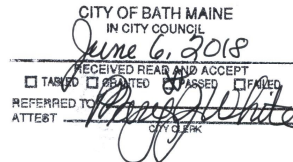
We ask that the City Manager be allowed to act on future requests should the need arise between now and July 4th, 2018. With the City Council's endorsement we look forward to another community celebration of Independence Day and Bath's rich cultural heritage.

Sincerely,

Will Neilson, President
Main Street Bath

Johnny Lomba
Heritage Days Coordinator

cc: Mary White



Main Street Bath • 15 Commercial Street, Bath, ME 04530 • (207) 442-7291 • director@visitbath.com

Mr. Lomba, Main Street Bath Heritage Days Coordinator reported on some of the events planned such as the 5-mile run, parade, music on the water front, Kids' Day, Strawberry Shortcake Social and many more planned activities.

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

VOTE to go forth with plans for Heritage Days:

YEAS: 8

NAYS: 0

Passed unanimously. 8-0

6) Order: Changing Date of July Regular Meeting of the Bath City Council from July 4th to July 11th. (motion to pass)

Madame Chair Eosco read the following Order:

ORDER

WHEREAS, the date for the Regular Meeting of the Bath City Council for July comes on July 4, 2018 and

WHEREAS, July 4, 2018 is a Federal Holiday;

NOW, THEREFORE, BE IT ORDERED THAT THE BATH CITY COUNCIL approves changing the date of the Regular Meeting of the Bath City Council for Wednesday, July 11, 2018 at 6:00 pm.

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

VOTE:

YEAS: 8

NAYS: 0

Order Passed Unanimously. 8-0

7) Order: Approving Bid and Contract of Vision Appraisal for the 2019 Revaluation in the amount of \$220,000.00. (motion to pass)

Madame Chair Eosco read the following Order:

ORDER

APPROVING BID AND CONTRACT

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE BID OF VISION APPRAISAL FOR THE 2019 REVALUATION IN THE AMOUNT OF \$220,000.00 IS ACCEPTED, IT BEING THE MOST QUALIFIED BID SUBMITTED, AND A CONTRACT BY AND BETWEEN THE CITY OF BATH AND VISION APPRAISAL, IN SUBSTANTIALLY THE FORM AS SUBMITTED HERewith, IS HEREBY APPROVED AND THE MANAGER IS AUTHORIZED TO EXECUTE THE CONTRACT AND ANY OTHER DOCUMENTS NECESSARY TO ITS IMPLEMENTATION ON BEHALF OF THE CITY OF BATH. THE PROJECT SHALL BE FUNDED FROM ASSESSOR REVALUATION ACCOUNT 05-0500-529.

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

City Assessor Brenda Cummings asked that Council approve this contract as it was a very competitive bid.

VOTE:

YEAS: 8

NAYS: 0

Order Passed Unanimously. 8-0

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

Madame Chair Eosco read the following Order:

**ORDER
TAX CLUB FOR 2018 - 2019**

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 2018 Tax Club begins July 1, 2018, and ends August 15, 2018; with the first of twelve payments due in September 2018.

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

Finance Director Juli Millet explained how the process works.

VOTE:

YEAS: 8

NAYS: 0

Order Passed Unanimously. 8-0

9) Resolution: Setting New Tipping Fee for the Bath Landfill (motion to pass)

**RESOLUTION
SETTING NEW FEES FOR THE BATH LANDFILL**

WHEREAS, pursuant to Section 13-32 of the Code of the City of Bath provides that Council may by Resolution, from time to time, set additional fees for the use of the Bath Landfill Facility, and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bath, that the Solid Waste Facility fees are adjusted, effective July 1, 2018 as follows:

Addition Fee:

Mattress Disposal\$10/per Mattress

Box Spring Disposal\$10/per Box Spring

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

Public Works Director Lee Leiner explained that due to the hazard and space taking issues of mattress disposal the fees needed to go up.

VOTE on Resolution:

YEAS: 8

NAYS: 0

Order Passed Unanimously. 8-0

10*) 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, 2018 and terminating on June 30, 2019, be and hereby is adopted with a total expenditure of **\$10,850,012.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached.

The Summary is on file with the agenda materials for the June 6, 2018 meeting in the City Clerk's Office.

This Item was passed on the Consent Agenda.

11*) 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, 2018 and terminating on June 30, 2019, be and hereby is adopted with a total expenditure of **\$ 873,452.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached.

The Summary is on file with the agenda materials for the June 6, 2018 meeting in the City Clerk's Office.

This Item was passed on the Consent Agenda.

12)* 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 Component as reallocated and/or appropriated for the fiscal year commencing on July 1, 2018 and terminating on June 30, 2019, be and hereby is adopted with a total expenditure of **\$ 1,730,592.00** balanced with an equal amount of estimated revenue. Summary of appropriations is attached.

The Summary is on file with the agenda materials for the June 6, 2018 meeting in the City Clerk's Office.

This Item was passed on the Consent Agenda.

13*) 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, 2018 and terminating on June 30, 2019, be and is hereby adopted with a total expenditure of **\$ 2,042,873.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached.

The Summary is on file with the agenda materials for the June 6, 2018 meeting in the City Clerk's Office.

This Item was passed on the Consent Agenda.

14*) 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, 2018 and terminating on June 30, 2019, be and is hereby adopted with a total expenditure of **\$ 165,184.00**, balanced with an equal amount of estimated revenue.

The Summary is on file with the agenda materials for the June 6, 2018 meeting in the City Clerk's Office.

This Item was passed on the Consent Agenda.

15*) 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, 2018 and terminating on June 30, 2019, be and is hereby adopted with a total expenditure of **\$ 54,850.00**, balanced with an equal amount of estimated revenue. Summary of appropriations is attached.

The Summary is on file with the agenda materials for the June 6, 2018 meeting in the City Clerk's Office.

This Item was passed on the Consent Agenda.

16*) 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 \$8,632,324.00 by the amount required by the adoption of the 2018-2019 budget (estimated increase \$0).

This Item was passed on the Consent Agenda.

17*) Resolution: Establishing interest rate on all delinquent taxes at the rate of 8.0% 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 8.0% per annum, for taxes assessed during the 2018-2019 Fiscal Year.

This Item was passed on the Consent Agenda.

18*) 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 8.0% per annum, for all sewer user fees assessed during the 2018-2019 Fiscal Year.

This Item was passed on the Consent Agenda.

19*) Resolution: Establishing interest rate on refunds due to tax abatements at the rate of 4.0% 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 4.0% per annum, from July 1, 2018 to June 30, 2019; 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.

20*) 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, 2018 and terminating on June 30, 2019, be and is adopted for the purpose of funding the accounts below:

As of June 1, 2018

SPECIAL PURPOSE FUNDS - CITY

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.

21*) Resolution: Authorizing Borrowing in Anticipation of Taxes for FY 2018-2019

**RESOLUTION AUTHORIZING BORROWING
IN ANTICIPATION OF TAXES
FOR FISCAL YEAR 2018-2019**

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, 2019, 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, 2018.

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, 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 2019 from 100% to a percentage sufficient to cover the City's contractual payment obligation under the CEA.

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 6:51 PM

There were no petitions or communications at this time.

H. City Manager's Report 6:51 PM

- Spoke regarding traffic calming measures planned for Richardson Street.
- Reported on Safety Day held on Saturday, June 2nd Michelle Small coordinated it for the Police Department and a total of 150 helmets were giving out.

I. Committee Reports 6:56 PM

Councilor Bauer reported that the Solid Waste Committee has not met but spoke to the success of the polystyrene and plastic bag ban, seeing the residents of Bath using reusable/Bath shopping bags.

Councilor Bailey spoke of the Transportation Committees review of the proposals and selection of vendors for the South End Traffic study. Encouraged the residents of Bath to watch for public meetings starting in August.

Councilor Paulhus stated the first meeting of the South End Steering Committee would be June 22, 2018 here at City Hall.

Councilor Park started by announcing the retirement of Beth Haskell from the Bath Forestry Committee. He wished to thank her for all her years of service, wonderful work and leadership as Chair. The Bath Forestry Committee has expanded its membership and has 3 current openings for residents that wish to get involved with the future of Bath's trees. Councilor Park reported on the Winter Moth impact on local trees. He stated that wrapping trees seemed to help control the damage to foliage. Bath has been chosen for a pilot program that releases parasitic flies to combat the winter moth. Councilor Park spoke briefly on the Brown Tail moth problem and then spoke of Emerald Ash Borer, which has been identified in Madawaska.

J. Unfinished Business 7:14 PM

There was no unfinished business.

K. New Business 7:14 PM

23) Appointments of John Swenson and Travis Wolfel to the Bath Bicycle and Pedestrian Committee for a term of 3 years.

Councilor Bailey nominated John Swenson and Travis Wolfel to the Bath Bicycle and Pedestrian Committee for a term of 3-years. All were in favor of the nominations.

L. Councilor Announcements 7:15 PM

Councilor Bailey gave an update on the Age-Friendly Livable Community Initiative Committee. Bailey serves on the stirring and assessment committees. Bath is in the process of applying for the Maine AARP

network age friendly community. There are 249 age friendly networks in the US. Maine has 54 of them, due to the strength of AARP- Maine. Councilor Bailey said that we are doing this because it makes Bath eligible for an immediate planning grant which helps in the assessment process and makes Bath eligible for a later challenge grant. Bailey submitted materials explaining why this makes sense for us and has proposed a letter of support from the Council to Peter and other folks. We are still sorting out process and structure. We are hoping to come back with something more formal at the July meeting.

Next event for the age-friendly community initiative is, “Get Up, Get Out and Move”, scheduled for June 14th at the Bath Senior Center. There will be a great line up of speakers which include, Andrew Deci, Director of Planning and Development, City of Bath, Benjamin Young, M. D., Mid Coast Hospital, Carrie Kinne, Executive Director of the Kennebec Estuary Land Trust and Susan Lubner , a local yoga instructor. Bailey encourages all to take advantage of this. Councilor Bailey, also, urges people explore the benefits of the tax club for those who are struggling to pay the annual tax bill due in the fall. Tax club allows taxpayers to make monthly installments.

Councilor Paulhus, announced that on June 15th, Councilors’ Park, Bailey, Paulhus and Madam Chair will be attending a conference in Auburn called Build Maine. There should be a lot of good information especially with the south end study coming up and transportation planning issues in the future. Councilor Paulhus, also, wanted to mention that he reached out to Senator Diamond, the Chair of the Bicentennial Committee. He expressed his desire to be involved with that. He wanted to do a shout out that on July 3rd, it will be the 5th anniversary of our City of Bath flag. Anyone can use the flag image. It is available to the public. We are seeing the image on posters and fliers. It’s good to see that people are using it. The image shows the meaning of the shipbuilding history of Bath. All the information about this is on our website or you can Google, Bath Maine Flag. Councilor Paulhus, also, mentioned that today is the 50th anniversary of the assassination of Robert F. Kennedy.

Councilor Nordmann, congratulated Councilor Paulhus on developing the heraldry and the flag. Councilor Nordmann is happy to see the consistent participation of residents from Richardson Street and that they do know who their councilor is and have addressed concerns and problems through him. The bridge on Congress Avenue is almost complete with a nice sidewalk.

Madam Chair Eosco spoke about Alumni weekend for Morse high school. She stated, it is fun to hear about how proud people seem to be from Bath and the “Mary E” is being commissioned this weekend at the Maritime Museum. Madame Chair went on to say a play “Macbeth” will be going on at the Chocolate Church and to check out the Community Calendar on Visitbath.com for more of what is going on in Bath. On June 26th, the National Guard band of the Northeast is playing at the Gazebo. Madam Chair Eosco encourages all to come out for that. Madam Chair spoke to her son’s fourth grade class about the City of Bath and its Councilors. She announced the Maine Sail Award, from Morse High School, was won by Grammy Pammy.

Madame Chair Eosco elaborated on a question regarding the next step for the strategic planning process that’s happening for Maine Street and the City’s part in it. She stated on July 19th, there will be a roll out of all of the findings (information from all the interviews that have happened) in the community room at the Patten Free Library and the report is available on Visitbath.com and click on Downtown Tomorrow.

Madame Chair reminded Council that would be meeting on Wednesday, June 13th at 6:00 p.m. to ratify the vote for the Election held on Tuesday, June 12th and the meeting would be followed by a Workshop regarding the proposed plans for the McMann Complex.

Councilor Wyman made a motion at 7:30 PM to go into Executive Session to discuss a Real Estate Matter per 1 MRSA §405(6)(C)- Court Street Right of Way. Councilor Comeau seconded the motion. All were in favor of the motion.

Councilor Wyman made a motion at 7:45 PM to come out of Executive Session. Councilor Park seconded the motion. All were in favor of the motion.

The meeting adjourned at 7:46 PM with a motion by Councilor Bauer 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.