AGENDA
CITY COUNCIL OF THE CITY OF BATH, MAINE

Regular Meeting

Wednesday, October 2, 2019 6:00 p.m.

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

Proclamation and Legislative Sentiment for Robert M.Savary, Deputy Police Chief (retired)

T-Sugaru Presentation by Peter Owen, City Manager and Lindsey Goudreau, Marketing and Communications Specialist

C. Public Hearings:

1) **ORDINANCE**: Amend Chapter 5, Business - Article 15 – Adult Use and Medical Marijuana Business Licensing, *(second passage) @6:01p.m.*

2) **ORDINANCE**: Article 18 – Adult Use and Medical Marijuana, *(second passage)*

3) **ORDINANCE**: Amend Article 9 – Uses, as follows: Add Section 2.3, Section 4.3, and Section 16.9 to the Land Use Table in Article 9, *(second passage)*

4) **ORDINANCE**: Contract Approval for Police Department @ 6:02 p.m. *(second passage)*

5) **ORDINANCE**: Chapter 13. Refuse Article 3. Mandatory Curbside Pickup @ 6:03 p.m. *(second passage)*

6) **ORDINANCE**: Chapter 10, Public Safety, Add a new Article 5, Special Events Ordinance, *(first passage)*

7) **ORDINANCE**: Chapter 8A. General Assistance Maximums for October 1, 2019 to September 30, 2020, *(first passage)*

D. Consent Agenda:

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

*8) Minutes of the previous Bath City Council Meeting of September 4, 2019 and the Bath City Council workshop on September 18, 2019 (motion to accept as presented)

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

F. Orders, Resolutions and Ordinances:

9) **ORDER**: Prepare Election Warrant to notify inhabitants of the City of Bath of the State Referendum Election to be held on Tuesday, November 5, 2019 for Question One: Bond Issue and Question Two: Constitutional Amendment

10) **ORDER**: Prepare Election Warrant to notify inhabitants of the City of Bath of the Municipal Election to be held on Tuesday, November 5, 2019 for City Councilors to be Elected, Ward 5, 7 and At Large, 3 Year Terms and Charter Amendment

11) **ORDER**: Prepare Election Warrant to notify inhabitants of the City of Bath of the RSU 1, Board of Directors Election held on Tuesday, November 5, 2019 for Unrestricted-Residence Position, Three Year Term and for Arrowsic Municipal-Residence Position, Three Year Term

12) **ORDER**: Registrar of Voters' hours for the November 5, 2019 State Referendum, Municipal and RSU 1, Board of Directors' Election.

13) **ORDER**: Approving Authorization BIW Tax Increment Financing District Budget (FY 2019), *(first passage)*

14) **RESOLUTION**: Amending Committee Membership for the Community Development Committee

G. Petitions & Communications:

H. City Manager's Report:

I. Committee Reports: if any

J. Unfinished Business:

K. New Business:

L. Councilor Announcements:

ADJOURN

PROCLAMATION

WHEREAS, the City of Bath wishes to recognize the 27 years of service by Deputy Police Chief, Robert M. Savary of the Bath Police Department, and,

WHEREAS, Robert is the son of William and Pauline Savary. Robert graduated from Pinkerton Academy in Derry, New Hampshire in June 1987 and the University of Southern Maine with a Bachelor of Science in Criminology in May 1991. Robert, also, graduated 11th from the 73rd Municipal Basic Police (Maine Criminal Justice Academy) on May 21, 1993.

WHEREAS, Robert was hired and appointed by the Bath Police Department to the position of Patrolman on November 11, 1992, promoted to Corporal on July 4, 1997, promoted to Sergeant on September 13, 2002, promoted to Detective/Sergeant on October 6, 2006, promoted to Lieutenant on April 26, 2013 and on July 1, 2018 as Deputy Police Chief.

WHEREAS, Robert retired from the Bath Police Department on August 1, 2019 seeing numerous duties and accomplishments, including the following:

- **Becoming a DARE Officer from 1994 – 1998**
- **Obtaining the Enhanced Neighborhood Policing Certification on February 22, 1999**
- **Becoming a certified Maine Criminal Justice Academy Instructor on May 11, 2001**
- **Receiving his executive certificate from the Maine Criminal Justice Academy on November 8, 2013**
- **Becoming a member of the Honor Guard Unit**
- **Receiving a letter of commendation for the shooting at the Shaw's Plaza in 2005**
- **Receiving a merit award for outstanding service in 2007**

WHEREAS, Robert received many commendations for his outstanding performance of duties, including:

Solving several cases, comprehensive investigation work, doing internal investigations for other departments, presentations to groups on safety, fraud, drug awareness, underage drinking taskforce training, safety day rodeo, many motorcycle benefit rides for charity, BIW launches, OUI-seatbelt-underage drinking, obtaining grants and as a teacher at MCJA.

WHEREAS, Robert Savary's long and productive career of public service to the citizens of Bath was marked by his integrity and professionalism.

NOW, THEREFORE, be it proclaimed by the City Council of the City of Bath that the City recognizes the 27 years of excellent public service by Deputy Police Chief, Robert M. Savary to the Bath citizenry.

This 2 day of October, 2019.

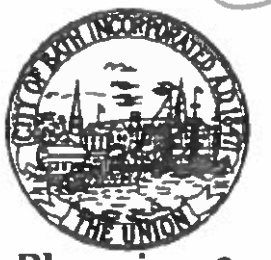
Mari H. Eosco, Madame Chairman, Bath City Council

C1

City of Bath

55 Front Street
Bath, Maine 04530

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



Planning & Development

MEMORANDUM

TO: **Mari Eosco, Chair**
City of Bath City Council

FROM: **Ben Averill, City Planner**

DATE: **September 26, 2019**

RE: **Adult use and medical Marijuana licensing**

Background

The proposed amendment to Article 5 of the City Code of the Land Use Code contains requirements for the licensing of marijuana establishments in the City of Bath. The marijuana working group has reviewed the State licensing requirements and recommends that the Council adopt local licensing provisions as well. The ordinance has been amended to include the amended wording to Article 5, Section 5-502, Licensing Procedures that was approved on September 4th.

Licensing Highlights (proposed code amendment)

- Local license required for all marijuana uses
- State license required for all marijuana uses except medical marijuana storefronts
- Initial license to be reviewed and approved by Council
- Renewal license to be reviewed and approved by city staff (CEO, Police, Fire, Planner)
- License fees to be established by City Council
- Council may restrict number of licenses available

Select fee schedule for other communities:

Brunswick:

- Licensing fees
  - Cultivation facility: $600
  - Product manufacturing facility: $300
  - Retail store: $1400
  - Testing facility: no license required
- Requires approval from Planner, Code Enforcement Officer, Police Chief, Health Inspector, and Fire Chief

Auburn:

- Licensing fees (in addition to $500 application fee)
    - Cultivation facility: $1000-$5000 depending on size
    - Product manufacturing facility: $2500
    - Retail store: $5000
    - Testing facility: $2500
    - Nursery: $1000

Waterville :

- Licensing fees
    - Cultivation facility: $1500-$4500 depending on size
    - Product manufacturing facility: $100 ($1500 if an extraction facility)
    - Retail store: $1500
    - Testing facility: $1500

Staff recommended fee schedule:

- Cultivation facility: $750
- Product manufacturing facility: $500
- Retail store: $1500-$2000
- Testing facility: $500

Council Action

If the Council determines that the amendments to the City Code have merit the council can vote to approve the amendment to Article 5 to the City Code. If the Council determines that the amendment lacks merit, action on the amendment will cease. Council has the ability to amend any portion of the ordinance unless otherwise noted in this memo.

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 5. BUSINESS

ARTICLE 15. ADULT USE AND MEDICAL MARIJUANA BUSINESS LICENSING

Amend as follows:

Section 5-452. Licensing procedures

A. Licensing procedures

a. The initial application for a marijuana establishment license shall be processed by the City Clerk ~~but reviewed and may be approved~~and considered for approval by the City Council.

...

NOTE: This amendment was considered by the City Council at its meeting on September 4, 2019 and was approved, to be considered at second passage of the entire Ordinance at its meeting on October 2, 2019.

ORDINANCE

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

CHAPTER 5. BUSINESS

ARTICLE 15- ADULT USE AND MEDICAL MARIJUANA BUSINESS LICENSING

Section 5-501 License Required

A. State license. A marijuana establishment shall not operate until it is licensed by the state licensing authority pursuant to the requirements of 28-B M.R.S § Chapter 1, as may be amended. An applicant may not operate a marijuana establishment without a state license and all other necessary local approvals.
B. Local license. A local license issued under the provisions of this article is required for any marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, dispensary, medical marijuana storefront or marijuana retail store.

Section 5-502 Licensing procedures

A. Licensing procedures
    a. The initial application for a marijuana establishment license shall be processed by the City Clerk but reviewed and considered by the City Council for approval. Applications shall be made on a form prepared by the city and must include all information required by Section 5-504 and of the form.
    b. Public Hearing. A public hearing on an application for an initial license shall be scheduled after receipt of a completed application pursuant to this code. The City Clerk shall post and publish public notice of the hearing in a newspaper of general circulation not less than seven days prior to the hearing.
    c. A renewal application shall be subject to the same review standards as applied to the initial issuance of the license application, however a renewal application may be approved by City Staff pursuant to Section 5-505
B. Responsibilities and review authority
    a. The City Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Article. The City Clerk may consult with other City Departments and any appropriate State Licensing Authority as part of this investigation.
    b. The City Council shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this Chapter or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.
    c. No local license shall be granted until the Police Chief, Fire Chief, and Code Enforcement Officer have all made a positive recommendation upon the

Applicant's ability to comply with this article. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or State law, it shall be the duty of the Applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the city authorized to make the inspection at any reasonable time that admission is requested.

Section 5-503 Licensing Fees

Fees for a local license shall be as set forth by the City Council and shall be paid annually.

Section 5-504 Application

A. Application required. Each applicant for a marijuana business license shall complete and file an application on a form prescribed by the City Clerk, together with the license fee.
B. Each application shall include:
    a. A copy of the applicant's state license application and supporting documentation as filed with the State Licensing authority, and amended thereto.
    b. Evidence of all state approvals or conditional approvals required to operate a Marijuana Establishment, including, but not limited to, a State License as defined by this Article, a state retail certificate, or a State health license.
    c. If not included in the applicants state license application, attested copies of the articles of incorporation and bylaws if the applicant is a corporation, operating agreement if the applicant is a limited liability company, evidence of partnership if the applicant is a partnership, or articles of association and bylaws if the applicant is an association.
    d. If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their places of residence at the time of the application and for the immediately preceding three (3) years.
    e. If not included in the applicant's state license application, a release authorized by 16 M.R.S. § 620 (6), as may be amended, with the application for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking local license.
    f. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana establishment pursuant to the Land Use Code, including, but not limited to, a building permit, site plan approval, or certificate of occupancy.
    g. Evidence of all other local approvals or conditions approvals required to operate a marijuana establishment pursuant to the land use code and city ordinances including, but not limited to a food license or victualer's license.
    h. A description of the premises for which the local license is sought, including a plan of the premises.
C. Complete application. In the event that the City Clerk determines that a submitted application is not complete, the City Clerk shall notify the applicant within ten (10)

business days that the application is not complete and shall inform the applicant of the additional information required to process the application.

Section 5 -505 License Expiration and Renewal

A. Each local license issued shall be effective for one year from the date of issuance.
B. Renewal applications must be submitted thirty days prior to the date of expiration of the annual local license. An application for the renewal of an expired license shall be reviewed by the Code Enforcement Officer, Fire Chief, Police Chief, and City Clerk. The renewal may be approved by city staff if the applicant is deemed to be in good standing with the articles of this ordinance and all other applicable local and state ordinances and licensing requirements. The applicant for renewal may be elevated to review by the City Council if any member of staff deems it needs additional review.

Section 5-506 Denial, Suspension, or Revocation of License

A. In addition to the provisions set forth in Section 18.05 of this chapter, the following applies:
    a. A local license under this article shall be denied to the following persons:
        i. A person who fails to meet the requirements of this article. Where an applicant is an entity rather than a natural person, all-natural persons with an ownership interest must meet these requirements.
        ii. An applicant who is not at least twenty-one years of age
        iii. A person who has had a license for a marijuana establishment revoked by the City or by the State
        iv. An applicant who has not acquired all necessary state approvals and other required local approvals prior to the issuance of a local license.
        v. An applicant who has been convicted of a criminal violation arising out of operation of a Marijuana Establishment.
    b. The City may suspend or revoke a license for any violation of this section or any other applicable building-related and life safety code requirements. The city may suspend or revoke a license if the licensee has a State license for a marijuana establishment suspended or revoked by the State. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Section 5-507 Operating requirements

The licensee shall comply with all of the following requirements during the term of the Local License:

A. Display of License. The current local license shall be displayed at all times in a conspicuous location within the license premises.
B. Location. All licensed premises shall be permanent locations. Licensees shall not be permitted to operate a marijuana establishment in a temporary location.
C. Compliance with other laws. A marijuana establishment shall meet all operating and other requirements of State and local law and regulation. To the extent the State of

Maine has adopted or adopts in the future any stricter law or regulation governing marijuana establishments, the stricter law or regulation shall control.

Section 5-508 Transfer of ownership and change of location

Licenses issued under this Article are not transferable to a new owner. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new local license for that location.

Section 5-509 Appeals

A. Any appeal of a decision under the provisions of this Section shall be made to the City Council. The City Council shall conduct a de novo hearing in which it will hear evidence on the application and make its own findings of fact and conclusions of law on the issue of whether the application meets the requirements of this Article.
B. Any appeal of a decision of the City Council shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

Section 5-510 Violations and Penalties

The operation of any marijuana establishment without the required local license or in violation of the requirements of this article shall be a violation of this article. Violations shall be subject to fines as set forth in this section. Each day of violation shall constitute a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this article. In any court action, the City may seek injunctive relief in addition to penalties. The City shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 5-511 Severability

The provisions of this article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

Section 5-512 Other Laws

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S. § Chapter I, as may be amended. In the event of a conflict between the provisions of this article and the provisions of the Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

CITY OF BATH

PUBLIC HEARING

THE FOLLOWING ORDINANCES WERE GIVEN FIRST PASSAGE BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE AT A REGULAR MEETING HELD AT THE CITY HALL ON WEDNESDAY, SEPTEMBER 4, 2019, AND PERSUANT TO THE CHARTER OF THE CITY OF BATH, AND THE PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE, AND AMENDMENT THERETO, PUBLIC HEARING WILL BE HELD TO CONSIDER THE FINAL PASSAGE OF SAID ORDINANCES IN THE CITY COUNCIL CHAMBERS, THIRD FLOOR OF CITY HALL, BATH, MAINE, ON WEDNESDAY, OCTOBER 2, 2019 AT 6:01 P.M.

1. City of Bath City Code Amendment- Chapter 5 Business. Add Article 15 Adult Use and Medical Marijuana Business Licensing. The City Council of the City of Bath will review licensing guidelines for all marijuana establishments operating within the City. Each license will require approval from the City Council and will be valid for one year with an option to renew before expiration. Licensing fees are to be determined and set by the City Council of the City of Bath.

On this 20th day of September 2019, I certify that I have posted an attested copy of the Ordinance at the following public places which is at least seven days prior to the public hearing:

POLICE DEPARTMENT, FIRE DEPARTMENT, CITY HALL, COURT HOUSE, LIBRARY

Michael Peabody

Michael Peabody, City Messenger

Attested:

Mary C. Howe

Mary C. Howe
City Clerk

C 3

City of Bath

55 Front Street
Bath, Maine 04530

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

Planning & Development

MEMORANDUM

TO: **Mari Eosco, Chair**
City of Bath City Council

FROM: **Ben Averill, City Planner**

DATE: **September 26, 2019**

RE: **Adult use and medical Marijuana ordinances**

Background

The Planning Board has been working in a workshop setting on standards to establish legislation on adult use and medical marijuana in accordance with 28-B M.R.S. §§ 101-1504 passed by the state legislature. Article 18 of the Land Use Code is the proposed ordinance that would regulate adult use marijuana establishments as well as new medical marijuana establishments.

At the April 30, 2019 Planning Board meeting the Planning Board recommended Article 18 and amendments to Article 9 to the City Council. The City Council reviewed the proposed ordinances in a workshop setting on May 15, 2019 at which time the Council directed the Planning Board to revisit the amendment to Article 9. The Planning Board held a workshop on June 18, 2019 where it was recommended that a retail marijuana use not be allowed in the C2 zoning district. On July 9, 2019 the Planning Board voted to recommend the revised amendment to Article 9 and Article 18 of the Land Use Code to the City Council for review.

The proposed Article 18 of the Land Use Code contains definitions as well as performance standards for marijuana establishments. Article 9 of the Land Use Code has been updated to include marijuana uses. Additionally, there will be a separate amendment (handled by the City Council) to Chapter 5 of the City Ordinances to add licensing requirements for adult use and medical marijuana establishments. If the City Council ultimately votes to approve the ordinances the City of Bath will "opt in" and allow marijuana establishments in accordance with the provisions in the ordinance. The proposed Article 18 includes the amendment for the inclusion of two city parks in the C1 zoning district as voted on in the September 4th Council meeting.

Performance Standards Highlights

- State and local license will be required
- No medical marijuana storefront, dispensary, or adult-use establishment shall be sited

within **500 feet** of a public or private elementary, secondary, or post-secondary school, a licensed child care facility (State requirement- reduced to minimum allowed distance) or the following city parks in the C1 Zoning District: Waterfront Park and Library Park

- No adult use marijuana retail facilities shall be sited within **300 feet** of another adult use marijuana retail facility
- All marijuana establishments (medical and adult-use) shall have security including, but not limited to surveillance cameras operating 24 hours a day, 7 days a week; burglary alarm systems; exterior lighting; and a locking safe. (State requirement)
- Odors must not be perceptible at the exterior of the building

Zoning Highlights

- Adult use retail marijuana, medical marijuana storefront, and dispensaries are allowed in the C1 and C4 zoning districts and are categorized into retail spaces of up to 5,000 square feet and greater than 5,000 square feet
- Marijuana manufacturing/ testing is allowed in the C3 and C4 zoning districts
- Marijuana cultivation facilities are allowed in the R3 zoning district

Licensing Highlights (separate City Code ordinance)

- Local license required for all marijuana uses
- State license required for all marijuana uses except medical marijuana storefronts
- Initial license to be reviewed and approved by Council
- Renewal license to be reviewed and approved by city staff (CEO, Police, Fire, Planner)
- License fees to be established by City Council
- Council may restrict number of licenses available

Council Action

If the Council determines that the amendments to the Land Use Code have merit the council can vote to approve the amendment to Article 9 and the addition of Article 18 to the Land Use Code. If the Council determines that the amendments to the Land Use Code lacks merit, action on the amendment will cease. Council has the ability to amend any portion of the ordinance unless otherwise noted in this memo.

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 18 – ADULT USE AND MEDICAL MARIJUANA

SECTION 18.07 PERFORMANCE STANDARDS FOR MEDICAL MARIJUANA

A. Location Criteria

Add the following:

...

4. Waterfront Park and Library Park

...

NOTE: This amendment was considered by the City Council at its meeting on September 4, 2019 and was tabled, to be considered at second passage of the entire Ordinance at its meeting on October 2, 2019.

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:

Add Article 18 – Adult Use and Medical Marijuana, as follows:

Article 18- ADULT USE AND MEDICAL MARIJUANA

Section 18.01 PURPOSE

The purpose of this article is to provide for the regulation of marijuana establishments as defined in this Article and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S. Chapter 1 as may be amended.

Section 18.02 AUTHORITY

This article is adopted pursuant to the authority granted by 28-B M.R.S.§ § 1401 et seq., as may be amended.

Section 18.03 DEFINITIONS

As used in this Article, the following words and phrases shall have the meanings ascribed to them in this section.

Adult Use Marijuana shall mean "adult use marijuana product" as that term is defined in 28-B M.R.S. §§ 1102 (2), as may be amended.

Applicant shall mean a person that has submitted an application for licensure as a marijuana establishment or medical marijuana establishment pursuant to this Article.

Cultivate or Cultivation shall mean the planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of marijuana for use or sale. It does not include manufacturing.

Licensed Premises shall mean the premises specified in an application for a state or local license pursuant to this Article that are owned or in possession of the licensee and within which the licenses is authorized to Cultivate, Manufacture, distribute, sell, or test Adult Use Marijuana or Adult Use Marijuana Products in accordance with the provisions of this Article and the requirements of state law and regulations.

Licensee shall mean a person licensed pursuant to this Article or, in the case of a holder of an occupational license, a natural person licensed pursuant to this Article.

Local Licensing Authority shall mean the City Clerk or the City Council, as further specified in the provisions of this Article.

Manufacture or Manufacturing shall mean the production, blending, infusion, compounding, or other preparation of marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. It does not include cultivation.

Marijuana shall mean "marijuana" as defined in 28-B M.R.S. §§ 1102(27), as may be amended.

Marijuana Concentrate shall mean the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin, including, but not limited to hashish. In determining the weight of Marijuana Concentrate in a marijuana product, the weight of any other ingredient combined with marijuana to prepare a marijuana product may not be included.

Marijuana Cultivation Facility shall mean a "cultivation facility" as that term is defined in 28-B M.R.S. §§ 1102 (13), as may be amended. A Marijuana Cultivation Facility is an entity licensed to cultivate, prepare, and package Adult Use Marijuana and to sell Adult Use Marijuana to Marijuana Establishments.

Marijuana Establishment shall mean a "marijuana establishment" as that term is defined in 28-B M.R.S.§§ 1102 (29), as may be amended. A Marijuana Establishment is a Marijuana Store, a Marijuana Cultivation Facility, a Marijuana Products Manufacturing Facility, or a Marijuana Testing Facility.

Marijuana Products Manufacturing Facility shall mean a "products manufacturing facility" as that term is defined in 28-B M.R.S. §§ 1102 (42) and "Manufacturing facility" as that term is defined in 22-M.R. S. §§ 2422 as may be amended. A Marijuana Products Manufacturing Facility is an entity licensed to purchase Adult Use Marijuana products; and to sell Adult Use Marijuana products from a Marijuana Cultivation Facility only to other Marijuana Products Manufacturing Facilities, and Marijuana Stores.
A "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person or entity authorized to engage in marijuana extraction under 22-M.R. S. §§ section 2423-F.

Marijuana Store shall mean a "marijuana store" as defined in 28-B M.R.S. §§ 1102 (33), as may be amended. A Marijuana Store is an entity licensed to purchase Adult Use Marijuana from a Marijuana Cultivation Facility and to purchase Adult Use Marijuana products from a Marijuana Products Manufacturing Facility and to sell Adult Use Marijuana and Adult Use Marijuana products to consumers.

Marijuana Testing Facility shall mean a "testing facility" as defined in 28- B M.R.S. §§ 1102 (53), as may be amended. A Marijuana Testing Facility is a facility licensed to develop, research, and test Marijuana, marijuana products, and other substances.

Medical Use shall mean the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of Marijuana or paraphernalia relating to the administration of Marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under 22-M.R. S. §§ 2421-2430-H.

Medical Marijuana Storefront shall mean an establishment which resembles a retail storefront in terms of signage, hours of operation, and accessibility to patrons, and which is operated by one or more registered primary caregivers as defined by 22 M.R.S. §§ 2422 (8-A) for the sale of Marijuana and marijuana products to qualifying patients as defined by 22 M.R.S. §§ 2422(9).

Owner shall mean a person whose beneficial interest in a Marijuana Establishment is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a Marijuana Establishment and has a controlling interest in a Marijuana Establishment.

Registered Dispensary or "dispensary" shall mean an entity registered under section 22-M.R.S. §§ 2421-2430-H. that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Person shall mean a natural person, partnership, association, corporation, or a manager, agent, owner, director, servant, officer, or employee thereof. "Person" does not include any governmental organization.

State license shall mean any license issued by the state licensing authority.

State licensing authority shall mean the authority created by the State for the purpose of regulating and controlling the testing and sale of Adult Use Marijuana and Adult Use Marijuana products in the state.

Section 18.04 MARIJUANA ESTABLISHMENTS

Marijuana Establishments, Dispensaries, and Medical Marijuana Storefronts shall be allowed, subject to the requirements and restrictions of this article.

Section 18.05 Prohibited Activities

A. No Marijuana Establishment, Dispensary, or Medical Marijuana Storefronts shall be established or operated within the City without first receiving and then

maintaining all approvals required under this Code, including, but not limited to, this article and other articles as required by the Land Use Code,

B. No Marijuana Establishment, Dispensary, or Medical Marijuana Storefronts shall conduct any activity for which it has not received the required state license and local license. Local license requirements are detailed in the City Code section

Section 18.06 LICENSE REQUIRED

A. **State license** A Marijuana Establishment, Dispensary, or Medical Marijuana Storefront shall not operate until it is licensed by the state licensing authority pursuant to the requirements of 28-B M.R.S. §§ 101-1504, Chapter 1, as may be amended. An applicant may not operate a Marijuana Establishment, Dispensary, or Medical Marijuana Storefront without a state license and all other necessary local approvals.

B. **Local license** A local license issued under the provisions of this article is required for any Marijuana Cultivation Facility, Marijuana Products Manufacturing Facility, Marijuana Store, Dispensary, or Medical Marijuana Storefront. A Marijuana Testing Facility does not require a local license.

Section 18.07 PERFORMANCE STANDARDS FOR MEDICAL MARIJUANA

Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this section, when enacted, shall govern any proposed Medical Marijuana Dispensary or Medical Marijuana Storefront for which an application has not been submitted and acted upon by the Planning Board prior to January 1, 2019. The following standards apply to all medical marijuana Dispensaries and Medical Marijuana Storefronts:

A. **Location Criteria** No medical marijuana Dispensary, Medical Marijuana Storefront, or shall be sited within 500 feet of the lot lines of any of the following:
   1. A public or private elementary, secondary, or post-secondary school
   2. A licensed child care facility, day-care facility, or day- care home
   3. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center
   4. The following city parks in the C1 Zoning District: Waterfront Park and Library Park

   The distance cited in this subsection shall be measured between the lot line of the proposed site for the medical marijuana dispensary or medical marijuana storefront and the lot line of the site of the use listed above at their closest points.

   A Marijuana Establishment may continue to operate in its present location as a pre-existing use if a use as listed in Section 18.07 A locates within the applicable buffer zone, however, the Marijuana Establishment does so at its

own risk, and City-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana establishment near another use.

B. **Signage and Advertising** All signage and advertising for a medical marijuana Dispensary and Medical Marijuana Storefront shall comply with the applicable provisions of the Advertising Ordinance of the City of Bath.
C. **Security Requirements** Security measures at a medical marijuana Dispensary, Medical Marijuana Storefront, and any associated Cultivation facilities shall include, at a minimum, the following:
    1. Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises
    2. Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition
    3. A locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the licensed premises
    4. Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of the Land Use Code
    5. Deadbolt locks on all exterior doors and locks or bars on any other access points

All security recordings shall be preserved for at least seventy-two (72) hours. The medical marijuana Dispensary or Medical Marijuana Storefront shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the City may provide notice of any operating problems associated with the medical marijuana Dispensary or Medical Marijuana Storefront.

D. **Cultivation** If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana. The plant canopy of a Marijuana Cultivation Facility shall not exceed 10,000 square feet in area. A Cultivation Facility must comply with all building and life safety codes
E. **On site Consumption of Medical Marijuana** The consumption, ingestion, or inhalation of medical marijuana on or within the premises of a medical marijuana Dispensary, Medical Marijuana Storefront, or Cultivation Facility is prohibited.
F. **Visibility of Activities**

1. All activities of medical marijuana Dispensaries, Medical Marijuana Storefronts, and Cultivation facilities including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors.
2. No Marijuana or paraphernalia shall be displayed or kept in a Dispensary, Medical Marijuana Storefront, or Cultivation Facility so as to be visible from outside the premises.

G. **Odor Management** For all Medical Marijuana Establishments, the odor of Marijuana must not be perceptible at the exterior of the building, at the premises, or at any adjoining use of the property. Medical Marijuana Cultivation facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Medical Marijuana Storefronts and Dispensaries are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all establishments are strongly encouraged to adopt best management practices with regard to implementing state of the art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
   1. Marijuana manufacturing facilities and marijuana testing facilities shall include proper ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.
   2. Sufficient measures and means of preventing smoke debris, dust, fluids, and other substances from exiting a marijuana establishment must be provided at all times.

H. **Disposal** All Medical Marijuana Establishments shall have in place an operational plan for proper disposal of Marijuana and related by products in a safe, sanitary, and secure manner and in accordance with all applicable federal, state, and local laws and regulations. Dumpster and refuse containers must not be overflowing and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from the public view. All trash receptacles on the premises used to discard marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles. In addition, all dumpsters and containers must comply with all other articles of the Land Use Code.

I. **Sale of Edible Products** No food products shall be sold, prepared, produced, or assembled by a Medical Marijuana Dispensary or Medical Marijuana Storefront except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

J. **Drive Through** Medical Marijuana Establishments, including Medical Marijuana Dispensaries and Medical Marijuana Storefronts, are prohibited from having drive-through facilities. Retail sales of Medical Marijuana shall only be made from within a retail establishment

K. **Other Laws Remain Applicable** A Medical Marijuana Dispensary or Medical Marijuana Storefront shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing medical marijuana dispensaries, the stricter law or regulation shall control.

SECTION 18.08 PERFORMANCE STANDARDS FOR ADULT USE MARIJUANA ESTABLISHMENTS

Notwithstanding the provisions of 1 M.R.S § 302 or any other law to the contrary, this section, when enacted, shall govern any proposed Marijuana Establishment for which an application has not been submitted and acted upon by the Planning Board prior to January 1, 2019. The following standards apply to all Adult Use Marijuana Establishments:

A. **Location Criteria** No Marijuana Establishment shall be sited within 500 feet of the lot lines of any of the following:
   1. A public or private elementary, secondary, or post-secondary school
   2. A licensed child care facility, day-care facility, or day-care home
   3. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center
   4. The following city parks in the C1 Zoning District: Waterfront Park and Library Park

   The distance cited in this subsection shall be measured between the lot line of the proposed site for the marijuana establishment and the lot line of the site of the use listed above at their closest points.

   A Marijuana Establishment may continue to operate in its present location as a pre-existing use if a use as listed in Section 18.08 A locates within the applicable buffer zone, however, the Marijuana Establishment does so at its own risk, and City-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana establishment near another use.

B. **Cultivation** The plant canopy of a Marijuana Cultivation Facility shall not exceed 10,000 square feet in area. A Cultivation Facility must comply with all building and life safety codes. If there is both the cultivation and retail sales of adult use marijuana occurring on the same site, the cultivation area shall not be greater

than 25% of the total floor area of the portion of the building used for retail sale of marijuana.

C. **Separation of Marijuana Retail Facilities** No adult use Marijuana Store shall be sited within 300 feet of another adult use Marijuana Store as measured by the closest points between the storefronts.

D. **Signage and Advertising** All signage and advertising for adult use Marijuana Establishments shall comply with the applicable provisions of the Advertising Ordinance of the City of Bath.

E. **Security Requirements** Security measures at an adult use Marijuana Establishment shall include, at a minimum, the following:

    1. Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts, and nuisance activities occurring at the premises.
    2. Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition.
    3. A locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the licensed premises.
    4. Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of the Land Use Code.
    5. Deadbolt locks on all exterior doors and locks or bars on any other access points.

All security recordings shall be preserved for at least seventy-two (72) hours. The Marijuana Establishment shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the City may provide notice of any operating problems associated with the establishment.

F. **No Outdoor Sales** All activities of Marijuana Establishments, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors. Marijuana Establishments are not permitted as outdoor sales or services of any kind.

G. **Display of Paraphernalia** No marijuana or paraphernalia shall be displayed or kept in an adult use Marijuana Retail Store, or Cultivation Facility so as to be visible from outside the premises.

H. **Odor Management** For all Marijuana Establishments the odor of marijuana must not be perceptible at the exterior of the building, at the premises, or at any adjoining use of the property. Marijuana Cultivation Facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Marijuana stores, Marijuana Manufacturing Facilities, and marijuana testing facilities are not required to install filtration equipment on the

licensed premises but must satisfy the same odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state of the art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

1. Marijuana Manufacturing Facilities and Marijuana Testing Facilities shall include proper ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.
2. Sufficient measures and means of preventing smoke debris, dust, fluids, and other substances from exiting a Marijuana Establishment must be provided at all times.

I. **Disposal** All Marijuana Establishments shall have in place an operational plan for proper disposal of marijuana and related by products in a safe, sanitary, and secure manner and in accordance with all applicable federal, state, and local laws and regulations. Dumpster and refuse containers must not be overflowing and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from the public view. All trash receptacles on the premises used to discard marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles. In addition, all dumpsters and containers must comply with all other articles of the Land Use Code.

J. **Sale of Edible Products** No food products shall be sold, prepared, produced, or assembled by a Marijuana Establishment except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

K. **Drive Through** Marijuana Establishments are prohibited from having drive-through facilities. Retail sales of Adult Use Marijuana shall only be made from within a retail establishment.

L. **Other Laws Remain Applicable** A Marijuana Establishment shall meet all operating and other requirements of State and local laws and regulations. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing marijuana or marijuana establishments, the stricter law or regulation shall control.

Section 18.09 Violations and Penalties

The operation of any Marijuana Establishment, Dispensary, or Medical Marijuana Storefront without the required local license or in violation of the requirements of this article shall be a violation of this article. Violations shall be subject to fines as set by the City Council. Each day of violation shall constitute a separate violation. Any such fine

may be in addition to any suspension or revocation imposed in accordance with the provisions of Section 18.09 of this article. In any court action, the City may seek injunctive relief in addition to penalties. The City shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 18.10 Severability

The provisions of this article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

Section 18.11 Other Laws

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S § Chapter I, as may be amended. In the event of a conflict between the provisions of this article and the provisions of the Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

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:

Amend Article 9 – Uses, as follows:

Add Section 2.3, Section 4.3, and Section 16.9 to the Land Use Table in Article 9

	ZONING DISTRICTS																		
LAND USE CATEGORY	**R1**	**R2**	**R3**	**R4 & R6**	**R5**	**C1**	**C2**	**C3**	**C4**	**C5**	**NC**	**I**	**GC**	**PH**	**M**	**RP**	**NRPO**	**TMC**	**S**
2.0 Sales or Rental of Goods, Merchandise, or Equipment																			
2.1 No storage and only incidental display of goods outside fully enclosed building																			
2.1.1 High-volume traffic generation, no drive-up window																			
2.1.1.1 Miscellaneous																			
2.1.1.1.1 With less than 5,000 square feet of gross floor area	N	N	N	N	N	S	S	N	S	N	S	N	N	N	N	N	N	N	N
2.1.1.1.2 With 5,000 square feet or more of gross floor area	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N
2.1.1.2 Convenience store	N	N	N	N	N	S	S	N	S	N	S	N	N	N	N	N	N	N	N
2.1.2 High-volume traffic generation, with drive-up window	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
2.1.3 Low-volume traffic generation																			
2.1.3.1 With less than 5,000 square feet of gross floor area	N	N	N	N	N	S	S	N	S	N	S	N	N	N	N	N	N	N	N
2.1.3.2 With 5,000 square	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N

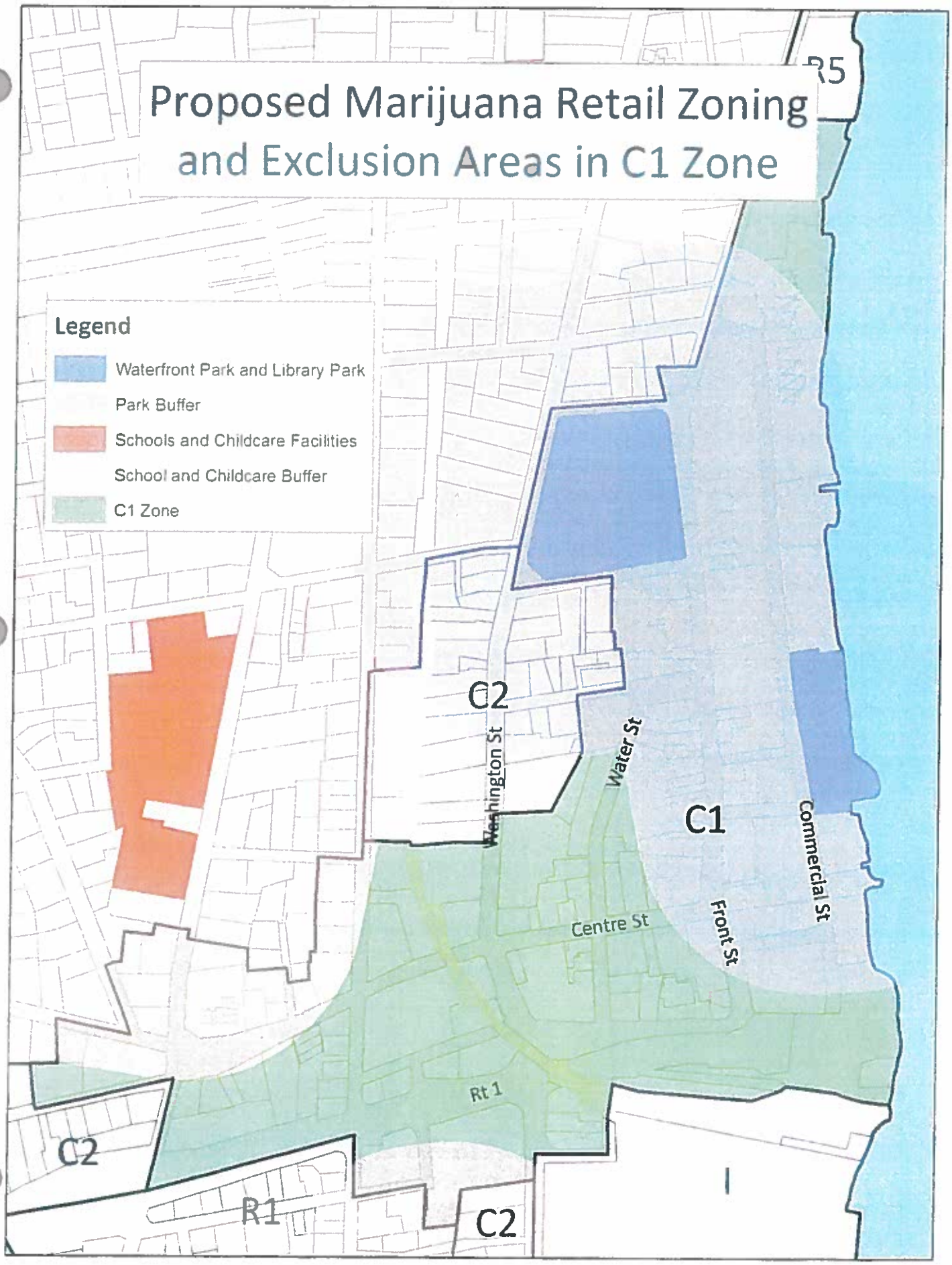
feet or more of gross floor area																			
2.2 With storage and display outside fully enclosed building	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
2.3 Retail marijuana store, dispensary and medical marijuana storefront																			
2.3.1 with less than 5,000 square foot of floor area	*N*	*N*	*N*	*N*	*N*	*S*	*N*	*N*	*S*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
2.3.2 with 5,000 square feet of floor area or more	*N*	*N*	*N*	*N*	*N*	*S*	*N*	*N*	*S*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
LAND USE CATEGORY	**R1**	**R2**	**R3**	**R4 & R6**	**R5**	**C1**	**C2**	**C3**	**C4**	**C5**	**NC**	**I**	**GC**	**PH**	**M**	**RP**	**NRPO**	**TMC**	**S**

LAND USE CATEGORY	ZONING DISTRICTS R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
3.0 Office, Clerical, Research, or Services																			
3.1 All operations conducted entirely within fully enclosed building																			
3.1.1 Operations designed to attract and serve numerous customers or clients on the premises, such as the offices of attorneys, physicians, dentists, other professions, travel agents, banks, or government office buildings	N	N	N	N	N	S	S	N	S	N	S	S	N	N	N	N	N	N	N
3.1.2 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	N	N	N	N	N	S	S	S	S	N	N	S	N	N	N	N	N	N	N
3.2 Operations such as banks with drive-up windows	N	N	N	N	N	S	N	N	S	N	N	S	N	N	N	N	N	N	N
4.0 Manufacturing, Processing, Creating, Repairing, Renovating, or Assembling of Goods, Merchandise, or Equipment																			
4.1 All operations conducted entirely within fully enclosed building	N	N	N	N	N	S[3]	N	S	S	S	N	S	N	N	N	N	N	N	N
4.2 Operations conducted within or outside fully enclosed building	N	N	N	N	N	N	N	N	N	S	N	S	N	N	N	N	N	N	N
4.3 Marijuana manufacturing/ testing	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*S*	*S*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
	ZONING DISTRICTS																		

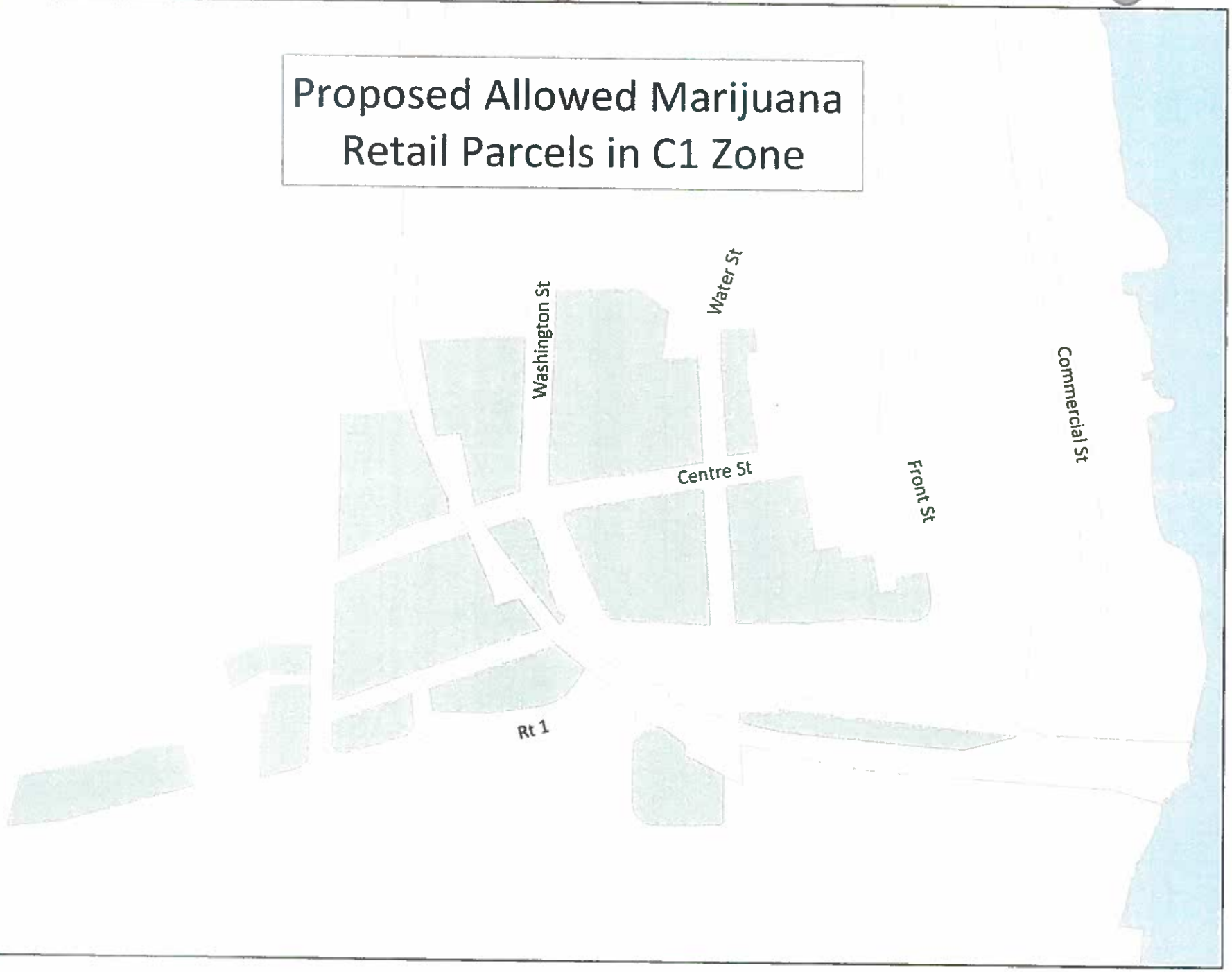
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
16.0 Agriculture, Livestock, Forestry, Mining																			
16.1 Agricultural operations and farming	N	S	A	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
16.2 Timber-harvesting	N	S	A	N	N	N	N	N	N	N	N	N	N	N	N	A	N	N	N
16.3 Mineral extraction, with or without on-site sales of products	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
16.4 Sawmill	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
16.5 Farmstand	N	C	C	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
16.6 Community Garden	C	C	A	C	C	N	C	N	N	N	N	N	C	C	N	N	C	N	C
16.7 Livestock	N	N	A	N	N	N	N	N	N	N	N	N	N	N	N	N	C[5]	N	N
16.8 Small-Scale Chicken Flock	A	A	A	N	N	N	A	N	N	N	N	N	N	N	N	N	N	N	N
16.9 Marijuana Cultivation Facility	*N*	*N*	*S*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
17.0 Transportation and Safety Facilities																			
17.1 Airport	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
17.2 Public works facilities	N	S	N	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N
17.3 Public safety facilities	S	S	N	N	N	S	S	N	S	S	N	S	N	N	N	N	N	N	N
17.4 Transportation terminal	N	N	N	N	N	S	N	N	S	S	N	S	N	N	N	N	N	N	N
17.5 Truck Terminal	N	N	N	N	N	N	N	S	N	N	N	S	N	N	N	N	N	N	N
18.0 Dry Cleaner, Laundromat	N	N	N	N	N	S	S	N	S	N	S	S	N	N	N	N	N	N	N
LAND USE CATEGORY	**R1**	**R2**	**R3**	**R4 & R6**	**R5**	**C1**	**C2**	**C3**	**C4**	**C5**	**NC**	**I**	**GC**	**PH**	**M**	**RP**	**NRPO**	**TMC**	**S**

C3

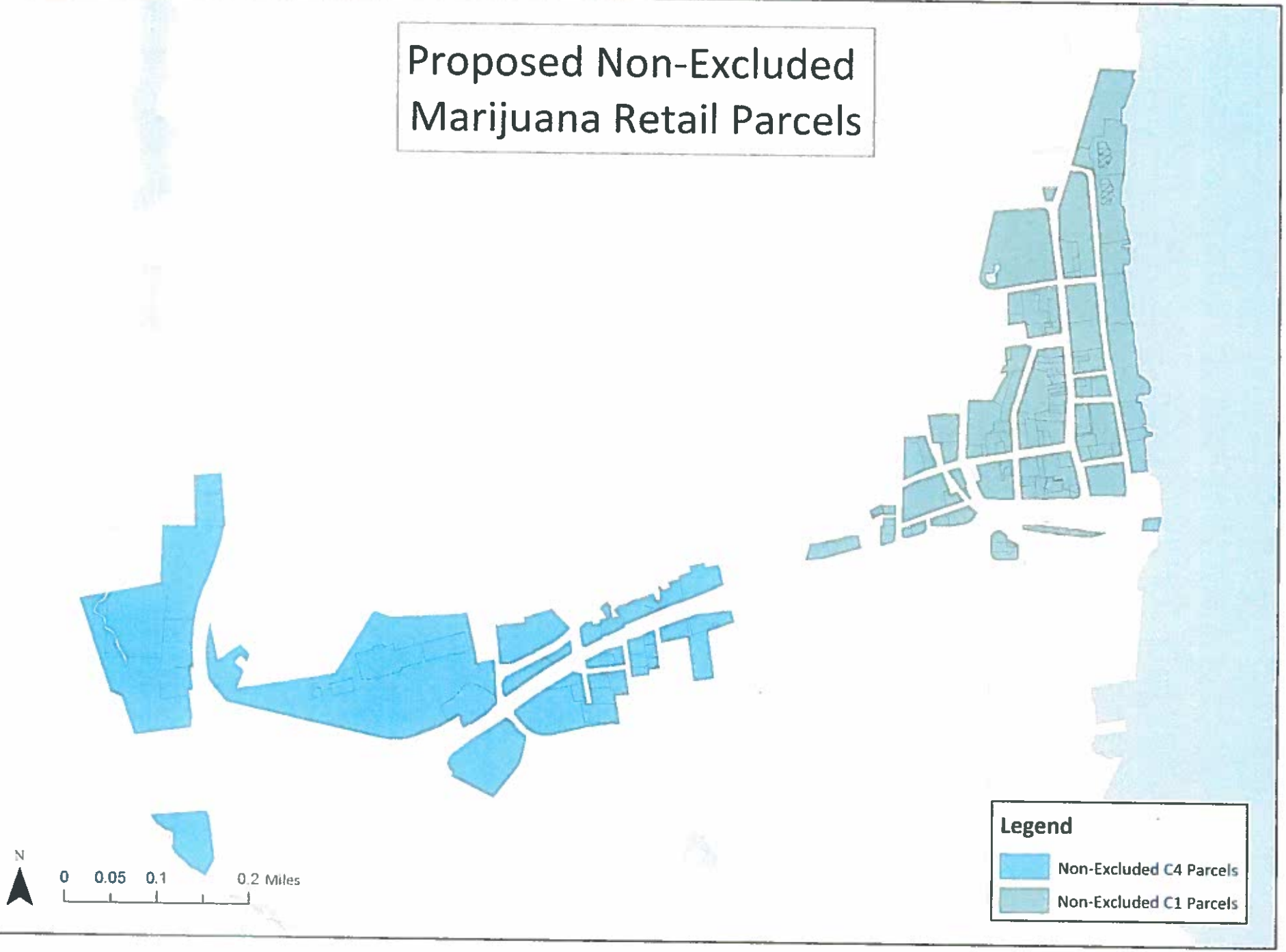
Proposed Marijuana Retail Zoning and Exclusion Areas in C1 Zone



Proposed Allowed Marijuana Retail Parcels in C1 Zone



Proposed Non-Excluded Marijuana Retail Parcels



C4

ORDINANCE APPROVING POLICE CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, THE BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE MAINE ASSOCIATION OF POLICE, REPRESENTING THE UNIT MEMBERS OF THE BATH POLICE DEPARTMENT, FOR THE PERIOD BEGINNING JULY 1, 2019 AND RUNNING THROUGH JUNE 30, 2022, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

POLICE AGREEMENT

AGREEMENT made the_____day of September, ~~2016~~2019, by and between the CITY OF BATH, a body corporate and politic, situated at Bath, in the County of Sagadahoc and State of Maine, (hereinafter referred to as the City) and the MAINE ASSOCIATION OF POLICE (hereinafter referred to as the Union).

Pursuant to Title 26, Maine Revised Statutes Annotated, Section 961, et. seq., and in consideration of the mutual promises of the parties herein contained, the parties agree as follows:

ARTICLE I - UNION SECURITY

SECTION 1. Agency Shop. All permanent members of the Department, upon successful completion of their probationary period, shall have the right to join the Union except as otherwise provided herein, or to refrain from doing so. No employee shall be favored or discriminated against either by the City or by the Union as a result of that employee's membership or nonmembership in the Union. The Union recognizes its responsibilities as bargaining agent for all employees in the bargaining unit without discrimination, interference, restraint, or coercion due to membership or nonmembership in the Union.

~~Those employees who choose not to join the Union shall be subject to one (1) of the following options:~~

~~(1) The employee may elect to sign a written payroll authorization deduction in conformity with Section 5. below, in an amount equal to eighty five percent (85%) of the cost of Union dues then in effect , in order to defray the cost of administration, or~~

~~(2)~~ The employee may elect to be subject to no payroll deduction. However, if that employee utilizes the services of a Union attorney or representative for grievance procedures or other business,~~ the cost will be no more than one hundred fifty dollars ($150.00) per hour~~ ~~hour~~the employee may be required to pay for the services pursuant to an agreement with the Union. The cost to the Union for arbitrators or proceedings, if any, will be the sole and exclusive responsibility of the employee.

The Union further agrees to indemnify and hold the City harmless against all claims and suits which may arise by virtue of any action taken in making deductions ~~of said fair share~~ and remitting same to the Union pursuant to Section 5. of this Article.

SECTION 2. The City recognizes the Union as the sole and exclusive collective bargaining agent for the members of the Bath Police Department. The following positions within the Bath Police Department are designated as Union positions: Sergeant, Corporal, Detective, Sergeant, Detective, School Resource Officer, and Patrolman. For purposes of defining the bargaining unit, the position of Administrative Assistant to the Chief of Police is specifically designated a Non-Union position.

SECTION 3. The Union recognizes the Personnel Service Commission as the Advisory Board to the City, with respect to qualifications for employment and promotion.

SECTION 4. The Union agrees to furnish the Chief of Police with the names of the officers of the Union and the names of the members of the Grievance Committee.

SECTION 5. Dues Deductions. The City agrees to withhold all dues ~~or fair share amounts~~ for all employees providing a written payroll authorization. The City will withhold such dues ~~or fair share amounts~~ on a weekly basis and will transfer said sums to the Union monthly, unless accounting systems or procedures preclude compliance on a temporary basis. The Union and all employees electing dues deduction ~~or fair share deduction~~ agree to indemnify and hold the City harmless against all claims and suits which may arise by virtue of any action taken in making deductions of dues ~~and fair share amounts~~ and remitting same to the Union.

SECTION 6. The City shall establish a seniority list and it shall be brought up to date on the first of January of each year and posted at Police Headquarters. A copy shall be mailed to the Secretary of the Maine Association of Police. Any objection to the seniority list as posted shall be reported to the Chief of the Police Department in writing within ten (10) calendar days following the posting of such list, or it shall stand as accepted.

Seniority shall mean an employee's length of continuous service with the Department since his last date of hire.

In the event of a reduction in the work force, then the employee with the least seniority shall be laid off first and the employee with the most seniority shall be rehired first providing, however, that he is qualified to fill the vacant position, or positions, and no new employee shall be hired until all employees on lay-off have been given an opportunity to return to work provided, however, that the recalled employee has the skill and ability, as determined by the City Manager, to fill the vacant position.

The employees' right to recall shall expire eighteen (18) months after the date of notice of layoff. If the City determines that a recall of laid off employees is appropriate, then the laid off employee shall be sent correspondence by certified mail, advising that employee that he/she may resume a position with the City. The employee must respond to the certified mail within seven (7) days as to whether or not he/she desires to be re-employed. If re-employment is indicated, the employee shall report to work no later than one week after notice to accept re-employment is given.

SECTION 7. The Union may use the present bulletin boards for posting notices to its membership.

SECTION 8. The City agrees that during working hours, on the City premises and without loss of pay, Union representatives shall be allowed, within reasonable limits and with the consent of his immediate superior, to post Union notices, transmit communications, and consult with the Chief of Police and Union Officers concerning the enforcement of any provisions of this Agreement.

SECTION 9. Accredited representatives of the Maine Association of Police shall have access to the premises of the City at any time during working hours to conduct official Union business with the approval of the Chief of Police.

SECTION 10. The Union may use the City premises for Union meetings with the approval of the Police Chief.

SECTION 11. An employee of permanent standing may be granted a leave of absence without pay by the City Manager upon recommendation of the Chief of Police. Such leave of absence without pay shall not exceed one (1) year in length and shall only be granted when it appears, because of the past record of the employee, or because of the purpose for which the leave is requested, that it is in the best interest of the City to grant the leave.

All benefits shall be discontinued during the term of the leave of absence. However, the employee may choose, at his option and his own expense, to continue such benefits as medical coverage. Sick leave and vacation benefits accrued prior to the leave of absence will be carried forward, but additional vacation and sick leave will not accrue during the period of the leave of absence.

Any member of the Police Department granted a leave of absence by the City Manager shall retain all rights of seniority earned at the time of the granting of the leave.

Leaves of absence for medical or family purposes, shall be in accordance with the Federal and State Family and Medical Leave Acts.

Leaves of absence for military service shall be in accordance with State Law (26 M.R.S.A. Section 811).

SECTION 12. All new non-sworn employees shall serve a probationary period of 365 days and shall have no seniority rights during this period, but shall be subject to all other clauses in this Agreement.

In the case of Police Officers, they shall serve a probationary period of one (1) year which shall commence after graduation from the Maine Criminal Justice Academy or the date that the Maine Criminal Justice Academy Board waives the basic training requirement.

All employees who have worked their probationary period shall be known as regular employees and the probationary period shall be considered part of the seniority time providing, however, the City shall have the right to terminate, without compliance with the terms of this Agreement, the employment of any such new employee during the probationary period.

ARTICLE II - MANAGEMENT RIGHTS AND DEPARTMENTAL RULES

SECTION 1. The City shall have the exclusive right to hire, promote, demote, transfer, make regulations for safety of employees, increase or decrease the work force, suspend or

otherwise discipline and discharge for just cause any employee of the Police Department and to make and enforce rules and regulations governing the conduct and the work of its employees as are not specifically inconsistent with the provisions of this agreement. The within enumerated rights are solely vested in the City, subject to the provisions of the City Charter and Rules and Regulations adopted pursuant thereto and subject to the provisions of this Agreement. Notwithstanding the foregoing, the City shall have all such other rights as are not specifically granted herein to the Union.

SECTION 2. Work shifts may be exchanged between members of the Police Department with the prior approval of the Chief of Police.

SECTION 3. The City shall have the exclusive right to make new rules and regulations and to make changes in existing rules and regulations.

When existing rules are changed, or new rules are established, including disciplinary procedures, they shall be posted prominently on all bulletin boards not less than three (3) days prior to becoming effective and shall remain posted for an additional five (5) days after the effective date. All employees shall be provided with, and sign for, a copy of the rules at the time of posting. New employees shall be provided with, and sign for, a copy of the rules at the time of hire.

Employees shall comply with all rules and regulations that are not in conflict with the terms of this Agreement. Any unresolved complaint regarding any new or existing rule or regulation, or any complaint involving discrimination in the application of new or existing rules and regulations, shall be resolved through the grievance procedure and all such rules shall be complied with pending resolution of the grievance through such procedure.

SECTION 4. Every sworn member of the department shall undergo a complete physical examination annually in the interest of preventive medicine. The examination shall be performed by the employee's personal physician in accordance with protocols provided by the City. The results of the examination shall be reported on a form provided and approved by the Union, to the Chief of Police. All costs relative to the annual physical shall be borne by the City. Any member who the physician judges to be in extremely poor physical condition shall be placed on a body conditioning program, the schedule of time and the elements for such program shall be set by the physician in coordination with the member's personal physician. Said schedule shall be reported to the Chief of Police. Any member who in the opinion of the physician has willfully failed to follow the prescribed body conditioning program shall be suspended without pay. Special equipment necessary to the program shall be available from the City.

SECTION 5. All matters of discipline, and any appeal of disciplinary action, shall be in accordance with the grievance procedures outlined in Article XV of this agreement, with the exceptions of steps 1 and 2 under Section 2.

ARTICLE III - NO STRIKE CLAUSE

The protection of the public health, safety and welfare demands, and the Union agrees, that the permanent uniformed members of the Police Department shall not strike or engage in any work stoppage or slowdown. The City agrees there will be no lockout of the members of the Union.

ARTICLE IV - WAGES

SECTION 1. Regular wages shall be paid to the Police Department personnel in accordance with the City pay plans set forth as Exhibits A, B, C & D Annexed hereto for the periods July 1, ~~2016~~-2019 through December 31, ~~2016~~2019, January 1, ~~2017~~-2020 through December 31, ~~2017~~2020, January 1, ~~2018~~-2021 through December 31, ~~2018~~2021, and January 1, ~~2019~~-2022 through June 30, ~~2019~~2022.

SECTION 2. Any employee called by a superior officer to perform any police function~~,~~ including court case preparation, during "off duty" time shall be paid for a minimum of three (3) hours. Any call back time required for appearing in court shall be paid for a minimum of four (4) hours. Such minimum call back provision shall not pertain to the extension of a regular tour of duty, except that minimum call back time for training sessions shall be two (2) hours. Call back time in excess of the regularly scheduled forty (40) hours or an eight (8) hour tour or, for those employees on a ten (10) hour, four (4) day schedule, a ten (10) hour tour, in a one (1) day period, shall be paid at the rate of time and one half the hourly rate to the nearest quarter (1/4) hour.

In instances where, in the judgment of the Chief of Police or in his absence the officer in charge of the department, an emergency situation exists, then any and all members of the department shall be subject to mandatory call-back for duty during the emergency situation. Any such duty shall be subject to the above described call-back provisions.

SECTION 3. Any hours worked in excess of the regularly scheduled forty (40) hours per week or in excess of an eight (8) hour tour or, in the case of those employees working a ten (10) hour day, four (4) day week, a ten (10) hour tour shall be paid at the rate of time and one half the hourly rate to the nearest quarter (1/4) hour. There shall be two (2) consecutive days off within the seven (7) day period for those employees working a five (5) day week, and three (3) consecutive days off within the seven (7) day period for employees working a four (4) day week. Changes in work schedules shall be posted two (2) weeks prior to becoming effective. Special duty assignments shall be a minimum of four (4) hours and shall be defined as that duty for which the City is reimbursed for its costs, such special duty shall be at a specified hourly rate as set forth in Appendix A to the nearest quarter (1/4) hour.

Up to four (4) hours per month, beyond the regularly scheduled forty (40) hour workweek, may be used for training purposes, to be paid at regular rates rather than overtime rates. The training shall be in-house training only and, if not utilized during the month, then up to the four (4) hours may be carried over into the succeeding month. This shall not apply to regularly scheduled in-house firearms training necessary for certification.

SECTION 4. All overtime work shall be performed by regular members of the Department when they are available for such assignments. For the purposes of determining overtime work, it shall mean any work normally performed by the Bath Police Department with the exception of the following provisions:

A. Organizations sponsoring events requiring a police officer in attendance may contract with outside police officers providing that said police officers do possess, in the opinion of the Bath Police Chief, minimum qualifications to provide acceptable services for these events.

B. The City reserves the right to utilize the volunteer services of other law enforcement agencies when catastrophic emergencies occur necessitating activation of mutual assistant agreements without being required to utilize the off-duty Bath Patrolmen at overtime compensation.

The City and the Union agree that, to the extent practicable, no employee shall work in excess of fifteen (15) hours in succession.

In consideration of the City's Agreement to limit, to the extent practicable, performance of overtime work to the regular members to the Police Department, the Union agrees to accept primary responsibility for the distribution of such overtime work among its members in accordance with Appendix A attached, and shall see that such overtime work is performed in accordance with Appendix A. In the event it shall be desirable to change such procedures, the changes shall be mutually agreeable to the Union and the Chief of Police. Such rules and procedure shall be reduced in writing and filed with the Chief of Police.

Failure by the Union to adhere to these provisions shall be interpreted by the City as an abdication by the Union of an vested relationship in overtime assignment.

SECTION 5. Any employee who temporarily serves in an acting supervisory capacity in charge of a shift or tour of duty shall be compensated at the supervisory rate for such service.

SECTION 6. Where vacancies exist in the competitive service subject to the personnel service commission ordinance, and where applicants have been certified by the personnel services commission, the Chief shall appoint a qualified applicant within sixty (60) days pursuant to the posted administrative selection procedure.

SECTION 7. All employees covered by this Agreement shall receive an annual payment of longevity pay at the rate of One Dollar ($1.00) per month for each month's service after forty-two (42) months. The maximum annual payment that may be made shall not exceed Two Hundred Fifty-eight Dollars ($258.00).

For purposes of compliance with Fair Labor Standards, and only to the extent that such compliance is required, longevity pay shall be figured into the hourly rate by taking the total amount of longevity paid to the employee in the previous calendar year and dividing by 2,080.

That hourly rate shall then be multiplied time 1.5 to arrive at an hourly overtime rate and then applied to the hours of overtime worked by the employee during the previous fiscal year. This amount shall be calculated in January of the next calendar year and paid on or before January 31st in a separate check.

SECTION 8. Educational Incentive. ~~Each employee of permanent standing as of April 1, 1991 shall be eligible for educational pay incentive in recognition of satisfactory completion of coursework with a grade of "C" or above toward a degree at an accredited College or University in Police Science, Criminal Justice, Law Enforcement, or any other related field approved by the Chief of Police and the City Manager. Such pay shall be granted as a per cent increase of the employee's base pay in accordance with the following schedule:~~

~~15 Credit Hours = 2.5%~~
~~30 Credit Hours = 3.5%~~
~~45 Credit Hours = 4.5%~~
~~60 Credit Hours or~~
~~AA/A.XS Degree = 5.5%~~
~~90 Credit Hours = 7.5%~~
~~120 Credit Hours or~~
~~BA/BS = 10.0%~~

For all employees ~~hired after April 1, 1991 and upon their successful completion of the probationary period~~ who, as of contract ratification, have credit hours on the scale below, they shall be eligible for educational pay incentive in recognition of satisfactory completion of coursework with a grade of "C" or better, toward a degree in an accredited College or University in Police Science, Criminal Justice, Law Enforcement, or any other job related field approved by the Chief of Police and the City Manager in advance. Such pay shall be granted in accordance with the following schedule:

Credits	Incentive Pay	Credits	Incentive Pay	Credits	Incentive Pay
1	$.01	41	$.~~48~~49	81	$1.00~~.98~~
2	$.02	42	$.~~49~~50	82	$1.01~~.99~~
3	$.03	43	$.~~51~~51	83	$~~1.01~~1.03
4	$.04	44	$.~~52~~53	84	$~~1.02~~1.04
5	$.06	45	$.~~53~~54	85	$~~1.03~~1.05
6	$.07	46	$.~~54~~55	86	$~~1.06~~1.08
7	$.08	47	$.~~56~~57	87	$~~1.07~~1.09
8	$.08	48	$.~~56~~57	88	$~~1.08~~1.10
9	$.09	49	$.~~57~~58	89	$~~1.10~~1.12
10	$.10	50	$.~~58~~59	90	$~~1.11~~1.13
11	$.10	51	$.~~59~~60	91	$~~1.12~~1.14
12	$.12	52	$.~~60~~61	92	$~~1.13~~1.15
13	$.13	53	$.~~60~~61	93	$~~1.16~~1.18
14	$.14	54	$.~~61~~62	94	$~~1.17~~1.19

15	$.15	55	$.6263	95	$1.1811.20
16	$.16	56	$.6364	96	$1.1921
17	$.18	57	$.6465	97	$1.2022
18	$.19	58	$.6465	98	$1.2123
19	$.20	59	$.6667	99	$1.2325
20	$.21	60	$.6768	100	$1.2426
21	$.22	61	$.6869	101	$1.2629
22	$.23	62	$.7071	102	$1.2730
23	$.2627	63	$.7172	103	$1.2831
24	$.2728	64	$.7273	104	$1.2932
25	$.298	65	$.7475	105	$1.3134
26	$.2930	66	$.7678	106	$1.3235
27	$.3031	67	$.7779	107	$1.3336
28	$.3132	68	$.7981	108	$1.3437
29	$.3233	69	$.8082	109	$1.3639
30	$.3334	70	$.8183	110	$1.3741
31	$.3435	71	$.8385	111	$1.3942
32	$.3637	72	$.8486	112	$1.4043
33	$.3839	73	$.8688	113	$1.4144
34	$.3940	74	$.8890	114	$1.4245
35	$.4041	75	$.8991	115	$1.4346
36	$.4142	76	$.9092	116	$1.4447
37	$.4243	77	$.9294	117	$1.4750
38	$.4445	78	$.9395	118	$1.4851
39	$.4647	79	$.9496	119	$1.4952
40	$.4748	80	$.9799	120	$1.5053

For new employees or current employees with no credits at the time of contract ratification, they shall be eligible for educational pay incentive in recognition of satisfactory completion of an Associate's Degree or a Bachelor's Degree from an accredited College or University in Police Science, Criminal Justice, Law Enforcement, or any other job-related field approved by the Chief of Police and the City Manager in advance. Such pay shall be granted in accordance with the following schedule:

Associate's Degree: $0.68

Bachelor's Degree: $1.53

Credits will be awarded during by January 30th for credits earned from July through December of the previous year and by July 30th for credits earned from January through June.

The credit shall not be given for mandatory training or for mandatory courses attended by the employee at the Maine Criminal Justice Academy.

~~Any new employee with sixty (60) credits or more shall not be granted the increase for those credits in excess of sixty (60) until completion of twenty-four (24) months of service with~~

~~the Department, except that the incentive for Bachelors level shall be effective upon Academy graduation and certification or completion of twenty four (24) months of service, whichever occur first.~~

SECTION 9. The Union agrees to allow the City to adjust the pay period in such a fashion as to result in the payment of wages to an employee one week in arrears. It is the purpose of this provision to permit compliance with previous management letter from the City auditors to hold back a week's pay and provide for payment of wages one week in arrears.

SECTION 10. Lateral Entry. Since it is deemed to be a benefit to the City and to the Department to be able to hire experienced officers in order that the level of service of the Department be enhanced, the City shall be allowed to give credit for prior law enforcement experience to new hires for the purpose of determining their initial wage level. The prior experience would be capped at five (5) years and would be implemented as of the date of hire. The new hiree shall be given credit for experience by placing them on the applicable City's Wage Scale at a step level reflecting all or a portion of their prior police experience. This shall be done upon the recommendation of the Police Chief and shall be subject to the approval of the City Manager. It is understood that credit for prior law enforcement experience for purposes of determining wages, shall have no effect on the seniority of the member and such seniority shall reference only time in service within this Department.

SECTION 11. Cell Phones. The City, at its sole discretion, will either provide a City cell phone to members, with the members paying ten dollars ($10.00) per month, or will contribute twenty dollars ($20.00) per month to the member's individual cell phone plan.

SECTION 12. Field Training Officer. While employees are performing functions as a Field Training Officer (FTO), the employees hourly pay shall be increased by seventy-five cents ($0.75) for all hours spent performing FTO functions.

SECTION 13. K-9 Handler. Any employee who is a trained K-9 Handler and handles a K-9 for the department, in recognition of the fact that they are responsible for the K-9 during off duty hours, the employee will be paid fifteen dollars ($15) for each day the employee is not working. In addition, any out-of-pocket expenses, such as food and veterinary bills, will be paid for by the City.

SECTION 14. Harbormaster. The Harbormaster shall be appointed by the City Council annually. The Harbormaster receives an additional pay of forty-eight ($48) per week for the additional duties and responsibilities required of the Harbormaster position pursuant to the City ordinance and state law.

ARTICLE V - HEALTH

SECTION 1. Health Insurance. The City agrees to participate in the cost of health insurance by maintaining current coverage which is at the Maine Municipal Health Insurance Trust, POS-C level or the equivalent thereof in other comparable programs. The employee shall assume the cost of fifteen percent (15%) of the premium cost of the policy coverage selected by

the employee. Effective January 1, 2017, the City agrees to participate in the cost of health insurance by offering the Maine Municipal Employee Health Trust's PPO-500 plan, or the equivalent thereof. The premium cost of the policy coverage selected by the employee (i.e. single, family) shall be divided between the employee and the employer with the employee assuming fifteen percent (15%) of the premium cost and the employer assuming eighty-five percent (85%) of the premium cost. In addition, the City of Bath will provide a back-loaded Health Reimbursement Arrangement (HRA) at the rate of eighty percent (80%) of the deductible and co-insurance expenses as defined by the Anthem Plan for each employee enrolled in the City's Health Insurance Program. The City shall also contribute fifty dollars ($50.00) annually to a Flexible Spending Account (FSA) for each enrolled employee.

The provisions regarding health insurance at the expiration of this Contract, and until a new Contract is adopted and implemented, shall remain in full force and effect. The HRA funding will continuing at an 80% level and the employee's contribution to the premium cost will remain at 15%.

SECTION 2. Personal Property Reimbursement. In the event that any employee covered by this Agreement suffers damage to personal property as a result of his official police activities, the City shall compensate said employee for such loss to the extent that it is not otherwise covered by the employee's insurance. The maximum jewelry reimbursement shall be One Hundred Dollars ($100.00).

SECTION 3. Health Incentive Program. Every sworn member of the Department shall complete an annual physical fitness assessment program mutually agreed to by the Union and the City. All cost relative to the program shall be borne by the City.

All sworn members are encouraged to maintain a level of physical fitness appropriate to the demands of police work. Therefore, it is mutually agreed that the physical fitness assessment consists of the following components:

(1) Aerobic Capacity

(2) Flexibility

(3) Muscular Endurance

Minimum test performance standards are established based upon a combination of male and female standards at the 40th percentile level developed by the National Aerobics Institute. The fitness test will consist of the Maine Criminal Justice Academy entrance physical test ~~with the addition of the Sit-and-Reach test~~.

Fitness Test:

~~Sit-and-Reach Test~~

One Minute Sit-Up
Test

One Minute Push-up test

1.5 Mile Run/walk

No standards established will be discriminatory and the standards set are minimum standards.

It is recognized that these above standards incorporate the Maine Criminal Justice Academy Physical Fitness Standards and that such standards are subject to change. Any change in the standards, therefore, shall become part of this program and such changes shall become part of this Contract.

Should an employee have a physician confirmed condition or injury that prohibits him/her from completing one of the standard components of the assessment, an alternative test may be used. This alternative and the minimum standard for the alternative test shall be determined by mutual agreement between the Union and the City

Any member that exceeds the minimum standards by ten percent (10%) shall receive twenty (20) hours off with pay, to be taken with the advance permission of the Chief of Police or his designee and at such times as overtime is not necessary to cover the employee's position. If the member exceeds the standards by twenty percent (20%) then ~~he~~ the employee shall be given forty (40) hours off with pay, to be taken with the advance permission of the Chief of Police or his designee and at such times as overtime is not necessary to cover the employee's position.

Should an employee fail to meet the standards set forth above or any revision of those standards, ~~he~~ the employee shall be encouraged to participate in a remedial physical fitness program prescribed for that employee and shall be retested after six (6) months of the original test. Should the employee still fail to meet the minimum standards, after six (6) months of remediation, the employee will be ineligible for promotion and will lose seniority rights until such time as the employee passes the minimum standard. Upon passing, the employee's seniority will be restored as if no time has passed. If the employee fails to take adequate steps towards passing the minimum standards within a twelve month period after the six (6) month remedial period, absent extenuating circumstances, the employee is no longer eligible for any promotions, non-mandatory training, and temporarily loses seniority until the employee passes the minimum standard.~~he shall be given an additional six (6) months in which to meet the minimum physical standards as presented or updated. Should he still fail to meet the minimum standards, he will be suspended without pay for a period of time necessary to meet the standards or a maximum of six (6) months. Should the employee fail to meet the minimum standards after this third six (6) month period, then he shall be subject to dismissal. These time frames~~ This provision does not ~~shall not~~ apply when the employee is under doctor's care for illness or injury.

SECTION 4. Fitness for Duty. The City has the right to require fitness for duty examinations (physical and psychological) of all employees covered by this Agreement,

provided the examination is job related and consistent with business necessity and state and federal law. The City has the right to require such examination performed by a physician chosen by the City. The City shall pay the costs of such examinations. No employee shall lose pay because a required physical and/or mental examination is scheduled by the City during all or part of his/her normal work day. When the City requires an employee to attend a medical examination at a physician selected by the City, the employee shall be paid for the time spent traveling to and from the exam and for the duration of the exam.

The City will comply with the Americans with Disabilities Act in all such examinations. The information provided to the Employer shall be limited to 1) whether the employee is fit for duty, and information relevant to any potential accommodations; 2) if the employee is deemed not fit for duty, whether such unfitness is permanent or temporary, and if temporary, when the employee will either return to fitness or be re-examined. The same restriction shall apply for all subsequent re-evaluations.

SECTION 45. Flu Shots. All members of the Department shall be given the opportunity to have yearly flu shots. The City will pay any co-payment for the flu shot that is not covered under the City's health insurance plan under Section 1 of this Article.

ARTICLE VI - HOLIDAY PAY

The following days will be considered paid holidays:

New Year's Day	Independence Day
Washington's Birthday	Martin Luther King Day
Labor Day	Thanksgiving Day
Veterans' Day	Christmas Day
Patriots' Day	Columbus Day
Memorial Day	Day After Thanksgiving

In the event that an employee has to work any of the above listed days, he shall receive his regular day's pay plus an additional one and one-half (1 1/2) days for working the holidays.

In the event that an employee is absent on sick leave, scheduled day off, or annual vacation, on any of these holidays, he shall qualify for holiday pay.

ARTICLE VII - VACATION LEAVE

Each employee of permanent standing shall be awarded annual vacation time with pay at a time approved by the Chief of the Police Department in accordance with his current term of continuous employment, said vacation time accruing on the basis of the employee's anniversary date, and in accordance with the following:

After 1 year's service	80 Hours
After 5 years' service	120 Hours

After 15 years' service	160 Hours
After 20 years' service	200 Hours
After 24 years' service and over	240 Hours

No employee shall be entitled to work his vacation with pay, except in the event of emergency conditions.

Any unused vacation days may accumulate, said 80 hours being the maximum amount allowed of carry-over from one year to the next.

All annual vacation leave shall be earned as of the anniversary date of the employee's employment, and employees leaving service prior to that anniversary date shall be paid accrued vacation time, not to exceed four (4) weeks, on a prorated basis according to how much of his anniversary year he had worked as of the time of his leaving.

Accrued vacation leave shall be paid to an employee in good standing upon his separation from the service, or to his beneficiary or estate upon his death.

For purposes of this Agreement only, employees will have one additional personal day for each contract year. If the employee does not take their one personal day within the contract year, the employee will lose that day. A contract year is defined as July 1-June 30.

ARTICLE VIII - SICK LEAVE

SECTION 1. Sick leave shall be earned at the rate of ten (10) hours for each full calendar month of service, and may be accumulated to twenty-six (26) weeks. Sick leave credit shall continue to accrue while an employee is on sick leave.

Illness for which sick leave may be granted is defined as actual personal illness or bodily injury. Sick leave, not to exceed ~~eight (8)~~forty (40) hours of employment accumulated leave, at the discretion of the Department head, may be granted to an employee because of illness of a member of the employee's immediate family.

Probationary employees shall be entitled to paid sick leave beginning on their date of hire.

Forty (40) hours of sick leave will be charged for each full calendar week of qualified absence.

In the event the employer feels there is an abuse of sick leave, the employer may require documentation of the circumstances surrounding the use of sick leave. The request for documentation, which may include a doctor's certificate, shall be made before the fact.

SECTION 2. Sick Leave Pool. Any leave accumulated after an employee has accrued the maximum twenty-six (26) weeks, will be credited to the Police sick leave pool. This pool may

accumulate up to a maximum of five hundred (500) hours. Any member of the Union who, because of serious or extended illness, or other extenuating circumstances, is without sick leave, may draw sick leave from this pool. The leave shall be drawn at the discretion of the Chief of Police, after reviewing the employee's previous use of sick time. The decision made by the Chief of Police, shall not be reviewable, however, no reasonable request will be denied.

ARTICLE IX - FUNERAL LEAVE

In the event of a death occurring in the immediate family of a permanent member of the Police Department (including mother, stepmother, father, stepfather, spouse, child, sister, half-sister, brother, half-brother, stepbrother, mother-in-law, father-in-law) that member shall be granted three (3) consecutive days off without loss of pay. Any such day off granted shall include "regular scheduled days off," if they happen to fall within the three (3) day period. It is understood that no pay shall be received for scheduled days off, and the time is not to be charged against sick leave. Additional funeral leave may be granted at the discretion of the Chief of Police.

ARTICLE X - ON THE JOB INJURIES

Any employee who sustains a compensable illness or injury which arises out of and in the course of his employment shall be paid during each week of total incapacity, resulting from the injury or illness, an amount sufficient, when added to the weekly payment of Workmen's Compensation paid under the laws of the State, to equal his regular weekly salary or normal wage.

Any injured employee may request on forms provided by the City that the City begin full payment of salary immediately to insure there will be no delay in Workmen's Compensation benefits. The employee, however, must stipulate to reimbursement of such payments to the City upon receipt of Workmen's Compensation payments.

Such additional payments shall not be continued beyond four (4) of the employee's work weeks, except upon order passed by the City Council. No additional payments shall be made in any instance when, in the opinion of the Department Head and City Manager, the accident occurred as a result of intoxication, willful intent, violation of rules and regulations on the part of the employee, or while the employee is in the employ of any other person, firm or corporation.

ARTICLE XI - MEALS

Employees covered by this Agreement shall be granted a one-half hour meal period within each shift. Employees shall be permitted to go home for meals and such meal periods shall be taken at the discretion of the officer in charge. However, employees shall be on call during meal periods.

ARTICLE XII - UNIFORMS AND PROTECTIVE CLOTHING

SECTION 1. The City agrees to provide suitable uniforms for all new employees. With regard to the replacement of uniforms, the City will provide a uniform allowance of Six Hundred and Fifty Dollars ($650.00) per year for all patrol personnel, Nine Hundred Dollars ($900.00) per year for all non-uniformed police personnel. This sum will be for the sole and exclusive purpose of purchasing, through the quartermaster, replacement uniform articles. If any employee is required to wear protective clothing or protective device, it shall be furnished to the employee by the City.

SECTION 2. In addition the City agrees to contract with a cleaning establishment for the cleaning of police uniforms at City expense.

ARTICLE XIII - RETIREMENT

The City agrees to continue to enroll employees covered by this contract in the Maine Public Employees Retirement System's (MainePERS) Special Service Retirement Plan 3 (also known as 3C). The plan calculates retirement benefits based on 66.67% of Annual Final Compensation (the average of a member's highest three years of earnings) for covered members who reitre after twenty-five (25) years of service with no age limit. ~~adopt that provision of the Maine Public Employees Retirement System which allows retirement of sworn police officers after twenty-five (25) years of service at two thirds (2/3) pay regardless of age.~~ The employee's contribution shall be at a rate set by MainePERS.

~~All other employees of the Department covered by this Agreement shall be provided retirement benefits through the Maine State Retirement System under the provisions of the Maine State Retirement System which allows retirement at one half (1/2) pay after twenty-five (25) years of service regardless of age~~.

ARTICLE XIV - FALSE ARREST INSURANCE

The City agrees and clearly states its intention to protect the police officer from incurring the cost of defense arising out of such claims and to have the City incur the cost of any adverse settlement arising from said litigated actions, excluding punitive damages.

ARTICLE XV - GRIEVANCE COMMITTEE - GRIEVANCE PROCEDURES

SECTION 1. The Grievance Committee of the Union shall be composed of three (3) members and their names shall be filed with the Police Chief and the City Manager. Any changes in the membership of the Grievance Committee shall be reported within ten (10) days to the Police Chief and the City Manager.

SECTION 2. All grievances arising during the terms of this Agreement shall be submitted, in writing, to the Chief of the Police Department. Subsequent to the submission of a grievance, the following steps shall be taken unless they are waived in writing the by the parties:

1. A meeting will be held with Chief of Police, the Grievance Committee or a representative thereof, and the employee, within seven (7) days of the filing of the grievance.

2. Within seven (7) days of the date of the meeting, a written decision shall be rendered by the Chief of Police.

3. The employee may appeal in writing to the Manager from the decision of the Police Chief by filing said appeal within seven (7) days of the date of the receipt of the decision by the employee, and shall state the specific grounds for the appeal.

4. Within seven (7) days of the receipt of the appeal from the employee the Manager will meet with the employee, the Grievance Committee or a representative thereof, and the Police Chief.

5. The Manager will render a decision within seven (7) days of the date of the meeting, said decision to be in writing and delivered to the employee.

6. The employee may appeal the decision of the Manager by filing with the Manager a written document stating the specific grounds for the appeal. With thirty (30) days of filing of such an appeal, an Arbitrator appointed by the City and an Arbitrator appointed by the Union shall be designated. The two designated Arbitrators shall choose a third Independent Arbitrator. If the arbitrators chosen by the Union and the City shall be unable to agree upon a third arbitrator within fourteen (14) days, a request shall be made to the Maine Board of Arbitration and Conciliation to designate a third member of the Board. The third member of the Arbitration Board shall act as Chairman. The parties shall thereafter process the grievance as directed by the Board of Arbitration. The general expenses of the Board of Arbitration as well as the fee and expenses to be paid to the third member of said Arbitration Board shall borne equally by the Union and the City. A decision of the Board of Arbitration shall be final and binding upon both parties.

ARTICLE XVI - RESIDENCY REQUIREMENT

All employees of the Police Department hired prior to April 1, 1999 will, within six (6) months of the time of their employment, relocate their residency so as to reside within ten (10) air miles of the Bath Police Station.

All employees of the Police Department hired after April 1, 1999 shall, within six (6) months of the time of their employment, relocate their residency so as to reside within thirty (30) minutes driving time from the City limits. The driving time shall be measured at posted speeds and under normal driving conditions. If there is a disagreement as to whether a particular residence falls within the thirty (30) minute time frame, then a calibrated police cruiser driven by a law enforcement officer shall drive the route at posted speeds under normal conditions to determine the time.

ARTICLE XVII – TRAINING AGREEMENT

Both parties to this agreement recognize the requirements of State Law that all police officers receive mandatory training at the Maine Criminal Justice Academy in order that all police officers be Academy certified. New hires who do not have required certification must be sent to the Academy for the required training at City of Bath expense. Where the City of Bath provides the required certificate training, the provisions of 25 M.R.S.A. § 2808(3) provide for reimbursement should the law enforcement officer transfer to another governmental entity in accordance with the formula set forth in §§ A through F. It is recognized, however, that there may be instances where the employee transfers to another law enforcement agency not subject to the Maine Statutory provisions or leaves law enforcement entirely. Under these circumstances, the City and the Union agree that the City shall be permitted to require a new employee who

requires mandatory training to acquire required Maine Criminal Justice Academy certification, who leaves the employment of the City of Bath for another position in law enforcement, will reimburse the City of Bath in accordance with the schedule provided in 2808 M.R.S.A. § 3. An employee who leaves the employment of the City of Bath two (2) years or more after receiving Academy certification and does not continued in a law enforcement capacity, will not be subject to the reimbursement requirements of the training agreement, provided that the employee remains out of law enforcement from the time of severance of employment through the end of the five (5) year post-certification period. If he does reenter law enforcement within the five (5) year period, then the pay back requirements provided in the Statute shall be reinstated.

ARTICLE XVIII - SEVERABILITY CLAUSE

In the event that any provision of this Agreement is found to be in conflict with any laws of the State of Maine or Ordinance of the City of Bath, such invalidity shall not affect the validity of the remaining provisions.

ARTICLE XIX - EFFECTIVE DATE-TERMINATION

This Agreement shall be effective as of the 1st day of July, ~~2016~~2019, and shall remain in full force and effect until the 30th day of June, ~~2019~~2022.

The Union shall notify the City, in writing, at least one hundred and twenty (120) days prior to the termination date that it desires to modify this Agreement. In the event such notice is given, negotiations shall begin not later than ninety (90) days prior to the termination date. This Agreement shall remain in full force and be effective during the period of negotiations and until notice of termination of this Agreement is provided to the other party in the manner set forth in the following paragraph.

In the event that either party desires to terminate this Agreement, written notice must be given to the other party not less than ten (10) days prior to the desired termination date which shall not be before June 30, ~~2019~~2022.

IN WITNESS WHEREOF, the parties hereto set their hands this_____day of_____, ~~2016~~2019.

In the presence of:

CITY OF BATH

_____

_____

By: ~~William D. Giroux~~Peter H. Owen
Its: City Manager

MAINE ASSOCIATION OF POLICE

_____ _____

By:

_____ _____

By: William K. McKinley

~~EXHIBIT A~~

~~CITY PAY PLAN~~

~~POLICE DEPARTMENT PERSONNEL~~

~~July 1, 2016 – December 31, 2016~~

~~SERGEANT~~

~~START~~	~~5 YEAR~~	~~10 YEAR~~
~~$23.35~~	~~$25.76~~	~~$28.14~~

~~DETECTIVE~~

~~START~~	~~1 YEAR~~	~~6 YEAR~~	~~10 YEAR~~
~~$22.25~~	~~$23.33~~	~~$25.51~~	~~$25.71~~

~~CORPORALS~~

~~START~~	~~1 YEAR~~	~~6 YEAR~~	~~10 YEAR~~
~~$22.25~~	~~$23.33~~	~~$25.51~~	~~$25.71~~

~~PATROLMAN~~

~~START~~	~~1 YEAR~~	~~2 YEAR~~	~~1 YEAR~~	~~6 YEAR~~	~~10 YEAR~~
~~$19.12~~	~~$20.58~~	~~$21.52~~	~~$23.03~~	~~$23.17~~	~~$24.61~~

~~EXHIBIT B~~
~~CITY PAY PLAN~~

~~POLICE DEPARTMENT PERSONNEL~~

~~January 1, 2017 – December 31, 2017~~

~~SERGEANT~~

~~START~~	~~5 YEAR~~	~~10 YEAR~~
~~$23.82~~	~~$26.28~~	~~$28.70~~

~~DETECTIVE~~

~~START~~	~~1 YEAR~~	~~6 YEAR~~	~~10 YEAR~~
~~$22.70~~	~~$23.80~~	~~$26.02~~	~~$26.22~~

~~CORPORALS~~

~~START~~	~~1 YEAR~~	~~6 YEAR~~	~~10 YEAR~~
~~$22.70~~	~~$23.80~~	~~$26.02~~	~~$26.22~~

~~PATROLMAN~~

~~START~~	~~1 YEAR~~	~~2 YEAR~~	~~1 YEAR~~	~~6 YEAR~~	~~10 YEAR~~
~~$19.50~~	~~$20.99~~	~~$21.95~~	~~$23.49~~	~~$23.94~~	~~$25.10~~

~~EXHIBIT C~~
~~CITY PAY PLAN~~

~~POLICE DEPARTMENT PERSONNEL~~

~~January 1, 2018 – December 31, 2018~~

~~SERGEANT~~

~~START~~	~~5 YEAR~~	~~10 YEAR~~
~~$24.30~~	~~$26.81~~	~~$29.27~~

~~DETECTIVE~~

~~START~~	~~1 YEAR~~	~~6 YEAR~~	~~10 YEAR~~
~~$23.15~~	~~$24.28~~	~~$26.54~~	~~$26.74~~

~~CORPORALS~~

~~START~~	~~1 YEAR~~	~~6 YEAR~~	~~10 YEAR~~
~~$23.15~~	~~$24.28~~	~~$26.54~~	~~$26.74~~

~~PATROLMAN~~

~~START~~	~~1 YEAR~~	~~2 YEAR~~	~~1 YEAR~~	~~6 YEAR~~	~~10 YEAR~~
~~$19.89~~	~~$21.41~~	~~$22.39~~	~~$23.96~~	~~$24.42~~	~~$25.60~~

EXHIBIT ~~D~~A
CITY PAY PLAN

POLICE DEPARTMENT PERSONNEL

~~January~~ July 1, 2019 – ~~June~~ December 31~~0~~, 2019

SERGEANT

START	5 YEAR	10 YEAR
~~$24.79~~	$~~27.35~~28.28	$~~29.86~~30.15

DETECTIVE

START	4 YEAR	6 YEAR	10 YEAR
$23.61	$~~24.77~~25.01	$27.~~07~~34	$27.~~27~~54

CORPORALS

START	4 YEAR	6 YEAR	10 YEAR
$23.61	$~~24.77~~25.01	$27.~~07~~34	$27.~~27~~54

PATROLMAN

START	1 YEAR	2 YEAR	4 YEAR	6 YEAR	10 YEAR
$20.29	$21.84	$22.84	$24.44	$24.91	$26.11

EXHIBIT B
CITY PAY PLAN

POLICE DEPARTMENT PERSONNEL

January 1, 2020 – December 31, 2020

SERGEANT

START	5 YEAR	10 YEAR	15 YEAR
	$29.13	$31.05	$31.67

DETECTIVE

START	4 YEAR	6 YEAR	10 YEAR	15 YEAR
$23.61	$25.76	$28.16	$28.37	$28.93

CORPORALS

START	4 YEAR	6 YEAR	10 YEAR	15 YEAR
$23.61	$25.76	$28.16	$28.37	$28.93

PATROLMAN

START	1 YEAR	2 YEAR	4 YEAR	6 YEAR	10 YEAR
$21.08	$22.69	$23.73	$25.39	$25.88	$27.13

EXHIBIT C
CITY PAY PLAN

POLICE DEPARTMENT PERSONNEL

January 1, 2021 – December 31, 2021

SERGEANT

START	5 YEAR	10 YEAR	15 YEAR
	$29.86	$31.83	$32.46

DETECTIVE

START	4 YEAR	6 YEAR	10 YEAR	15 YEAR
$23.61	$26.40	$28.86	$29.08	$29.65

CORPORALS

START	4 YEAR	6 YEAR	10 YEAR	15 YEAR
$23.61	$25.40	$28.86	$29.08	$29.65

PATROLMAN

START	1 YEAR	2 YEAR	4 YEAR	6 YEAR	10 YEAR
$21.61	$23.26	$24.32	$26.02	$26.53	$27.80

EXHIBIT D
CITY PAY PLAN

POLICE DEPARTMENT PERSONNEL

January 1, 2022 – June 30, 2022

SERGEANT

START	5 YEAR	10 YEAR	15 YEAR
	$30.38	$32.39	$33.03

DETECTIVE

START	4 YEAR	6 YEAR	10 YEAR	15 YEAR
$23.61	$26.86	$29.37	$29.59	$30.17

CORPORALS

START	4 YEAR	6 YEAR	10 YEAR	15 YEAR
$23.61	$26.86	$29.37	$29.59	$30.17

PATROLMAN

START	1 YEAR	2 YEAR	4 YEAR	6 YEAR	10 YEAR
$21.99	$23.67	$24.75	$26.99	$26.76	$28.29

CITY OF BATH

PUBLIC HEARING

THE FOLLOWING ORDINANCE WAS GIVEN FIRST PASSAGE BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE AT A REGULAR MEETING HELD AT THE CITY HALL ON WEDNESDAY, SEPTEMBER 4, 2019, AND PERSUANT TO THE CHARTER OF THE CITY OF BATH, AND THE PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE, AND AMENDMENT THERETO, PUBLIC HEARING WILL BE HELD TO CONSIDER THE FINAL PASSAGE OF SAID ORDINANCE IN THE CITY COUNCIL CHAMBERS, THIRD FLOOR OF CITY HALL, BATH, MAINE, ON WEDNESDAY, OCTOBER 2, 2019 @ 6:02 P.M.

ORDINANCE APPROVING POLICE CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, THE BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE MAINE ASSOCIATION OF POLICE, REPRESENTING THE UNIT MEMBERS OF THE BATH POLICE DEPARTMENT, FOR THE PERIOD BEGINNING JULY 1, 2019 AND RUNNING THROUGH JUNE 30, 2022, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH

On this 20th day of September 2019, I certify that I have posted an attested copy of the Ordinance at the following public places which is at least seven days prior to the public hearing:

POLICE DEPARTMENT, FIRE DEPARTMENT, CITY HALL, COURT HOUSE, LIBRARY

Michael Peabody

Michael Peabody, City Messenger

Attested:

Mary C. Howe

Mary C. Howe

City Clerk

C5

CITY OF BATH, MAINE
0 Oak Grove Avenue
Bath, ME 04530

DEPARTMENT OF PUBLIC WORKS
Lee Leiner, P.E., Director
lleiner@cityofbath.com
207.443.8357
fax 207.443.8352

MEMORANDUM

TO: BATH CITY COUNCIL

FROM: LEE LEINER, PUBLIC WORKS DIRECTOR

SUBJECT: COUNCIL APPROVAL OF ORDINANCE CHANGES TO CHAPTER 13 - REFUSE

DATE: AUGUST 29, 2019

CC:

On the recommendation of the Solid Waste Advisory Committee, four changes to the existing ordinance Chapter 13 – Refuse are proposed:

1. Increasing the number of living units per residential property to be included in the City's curbside collection program for waste and recycling from a maximum of two to a maximum of six units.
2. Decreasing the allowable number of trash containers that may be placed out for collection from the existing six to the new level of four.
3. Increasing the prices of official City Pay-as-you-Throw trash bags:
    a. 30-gallon bags from $2.00 per bag to $2.25 per bag
    b. 15-gallon bags from $1.25 per bag to $1.50 per bag
4. Eliminating residential curbside collection of waste and recycling from:
    a. Front Street – From Vine Street to Summer Street
    b. Centre Street – From Washington Street to Front Street

The existing curbside collection program includes residential properties of 1 or 2 units. After much discussion and input from owners of commercial properties, the committee recommends increasing the size of properties served to up to six units for waste collection. The current program includes collection of recyclable materials from all residential properties regardless of size.

The existing rules regarding curbside collection of trash allows each residential unit to place out for collection six containers per week. To further incentivize recycling and composting and reduce waste going to the landfill to extend the life of the facility, a limit of four containers is proposed.

The PAYT program was established in 2007 and the bag prices have never been changed. To address increasing costs in operating the landfill and providing curbside collection services, continued subsidization of the landfill fund by tax revenues, and to further incentivize recycling and composting, it is proposed to increase bag prices by 25-cents.

With the on-going changes in downtown Bath to include additional residential units, and with the expansion of the residential program outlined above, there is concern that piles of trash and recycling materials would be placed on the sidewalks in the downtown area. To avoid this situation, it is proposed to eliminate the collection program on Centre and Front Streets in the immediate downtown.

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

ARTICLE 1. GARBAGE AND REFUSE

Section 13-1. Definitions.

Amend as follows:

(10) Household Refuse shall include that refuse commonly generated by usual residential domestic activities and excludes material defined as demolition and construction debris, furniture, white goods, tires, abandoned automobiles, and any other items that cannot completely fit into the officially designated PAYT bag. Household refuse shall specifically exclude refuse generated at properties with more than six (6) dwelling units on them (excluding condominiums). Such refuse from these units shall be considered commercial for purposes of collection and shall not be collected as residential household refuse.

ARTICLE 3. MANDATORY CURBSIDE PICKUP

Section 13-42. Mandatory curbside pickup established.

Amend as follows:

The City of Bath, either through its own offices and employees, or by virtue of contract(s) with Private refuse collection contractor(s), or any combination thereof, shall provide for the curbside pickup of all household refuse within the City of Bath as that term is defined in Section 13-1(10), and specifically excluding refuse generated at properties with more than six (6) dwelling units on them.

Section 13-43. Collection requirements.

Amend as follows:

(2) Weight, Number. The weight limit of each individual officially designated bag will be 60 pounds. Each residential unit is permitted to set out for collection up to 4 containers per week or collection period.

(7) Pay-as-you-throw Program.

Fees for purchase of each officially designated bag are initially established as follows:

15 gallon bag, $1.35 each bag, effective January 1, 2020
15 gallon bag, $1.50 each bag, effective January 1, 2021

30 gallon bag, $2.35 each bag, effective January 1, 2020
30 gallon bag, $2.50 each bag, effective January 1, 2021

These fees may be adjusted by Resolution of the City Council.

Add a new Section as follows:

Section 13-44. Collection Limits.

Curbside collection of residential waste and recycling materials will not be performed on:

Front Street – Vine Street to Summer Street
Centre Street – Washington Street to Front Street

CITY OF BATH

PUBLIC HEARING

THE FOLLOWING ORDINANCE WAS GIVEN FIRST PASSAGE BY THE CITY COUNCIL OF THE CITY OF BATH, MAINE AT A REGULAR MEETING HELD AT THE CITY HALL ON WEDNESDAY, SEPTEMBER 4, 2019, AND PERSUANT TO THE CHARTER OF THE CITY OF BATH, AND THE PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE, AND AMENDMENT THERETO, PUBLIC HEARING WILL BE HELD TO CONSIDER THE FINAL PASSAGE OF SAID ORDINANCE IN THE CITY COUNCIL CHAMBERS, THIRD FLOOR OF CITY HALL, BATH, MAINE, ON WEDNESDAY, OCTOBER 2, 2019 @ 6:03 P.M.

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

ARTICLE 1. GARBAGE AND REFUSE

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Amend as follows:

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ARTICLE 3. MANDATORY CURBSIDE PICKUP

Section 13-42. Mandatory curbside pickup established.

Amend as follows:

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Section 13-43. Collection requirements.

Amend as follows:

(2) Weight, Number. The weight limit of each individual officially designated bag will be 60 pounds. Each residential unit is permitted to set out for collection up to 4 containers per week or collection period.

(7) Pay-as-you-throw Program.

Fees for purchase of each officially designated bag are initially established as follows:

15 Gallon Bag: Current $1.25 each bag

Effective January 1, 2020, $1.35 each bag

Effective January 1, 2021, $1.50 each bag

30 Gallon Bag: Current $2.00 each bag

Effective January 1, 2020, $2.25 each bag

Effective January 1, 2021, $2.50 each bag

These fees may be adjusted by Resolution of the City Council.

Add a new Section as follows:

Section 13-44. Collection Limits.

Curbside collection of residential waste and recycling materials will not be performed on:

Front Street – Vine Street to Summer Street
Centre Street – Washington Street to Front Street

On this 20th day of September 2019, I certify that I have posted an attested copy of the Ordinance at the following public places which is at least seven days prior to the public hearing:

POLICE DEPARTMENT, FIRE DEPARTMENT, CITY HALL, COURT HOUSE, LIBRARY

Michael Peabody

Michael Peabody, City Messenger

Attested:

Mary C. Howe

Mary C. Howe

City Clerk

CITY OF BATH
POLICE DEPARTMENT

MICHAEL W. FIELD
CHIEF of POLICE

250 Water Street • Bath, Maine 04530 • (207) 443-5563

Memorandum

To: Members of the City Council
From: Michael Field, Chief of Police
Ref: Special Event Ordinance
Date: September 24th, 2019

We recognize that special events enhance the quality of life in Bath. The goal is to establish a process for special events when it effects the potential of creating a hazard to the public health, peace and safety.

As a result, and the awareness that we have numerous special events such as races and parades, City staff began meeting internally to draft a Special Event Ordinance. Staff reviewed similar ordinances from Brunswick, Falmouth, and Augusta. The final ordinance is what you now have for review.

If you have any questions, please contact me.

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 10
Public Safety

Add a new Article 5, Special Events Ordinance, as follows:

Article 5. Special Events Ordinance

Sec. 10-501. Purpose

It is recognized that many special events enhance the quality of City life. It is further recognized that many types of special events seek to exercise citizens' Constitutional rights to assembly and free speech. The City finds that special events have the potential to create a hazard to the public health, peace, and safety. The process shall provide the City with notice of the pendency of a special event of significant size in order to protect the safety of those involved with the event and the public in general. It is the City's purpose, by this Article, to promote and permit safe special events while regulating the conduct of such special events in order to protect the public health, peace, and safety. This Ordinance is intended to establish a process for the consideration of requests to conduct special events which require the use and cost of City services.

Sec. 10-502. Definitions

The following definitions shall apply to the terms used in this Article. Terms not defined herein shall have their customary and ordinary meanings.

A. Special event shall mean any event for which the continued attendance is reasonably anticipated to be one hundred (100) or more persons which:
    1. Utilizes or seeks to reserve any City owned or controlled property, including but not limited to streets, sidewalks, parks, parking areas or buildings, or,

2. Is an event held on private property which will require an increased level of City services such as police service, fire service, trash removal, traffic, crowd control, or medical services, and has the potential to cause/create hazard to public safety if not regulated.

B. Services shall mean any City provided service, including but not limited to traffic control, crowd control, trash removal, medical services, fire services, traffic control devices. (I.e. barricades and signage.)

C. Standing. In order to submit an application for a special event, and to conduct that event, the applicant must demonstrate ownership, a leasehold interest, or written permission from the owner to use a particular site. This shall include the location of the special event and any areas providing support for the event.

D. Operator. Operator means the person or entity responsible for staging and managing the special event. In the event that no operator exists, the owner or in the event of non-availability of the owner, the lessee of the ground encompassing the special event area and any support areas, shall be deemed to be the operator.

Sec. 10-503. Permits

A. Permit Required. No property owner shall permit on that owner's property, or otherwise conduct or permit on public property, a special event as defined in Section 10-502(A) unless a permit has been obtained in advance of the event from the City of Bath.

B. Exemptions. Events which would be classified as special events, which constitute traditional types of special events that have occurred and been conducted in a manner so as not to endanger the health and wellbeing of the citizens, and which require minimal City services shall be exempt from this permitting requirement. By way of illustration only, they include such events as those organized or held by a Department or Agency of the United States, State of Maine, or City of Bath, or RSU1. Organizations may apply for a blanket waiver for recurring events on locations that meet the criteria of this Section. (Permitting for Heritage Days activities shall continue to be provided by action of the Bath City Council.)

Sec. 10-504 Application Submission Requirements

A. The application shall be in writing and on a form supplied by the City.

B. Time Requirements. The application for a permit must be submitted no less than 30 days prior to the special event, unless the City Manager or his/her designee allows a shorter time frame for good cause shown.

C. Applicants for a special event permit shall furnish to the City the following:
    1. Application form, providing, at a minimum:
        a. Name and contact information of the applicant or operator if different
        b. Description of the event, including its expected impact on the City, City services, residents, and businesses
        c. Number of anticipated participants
        d. Name and emergency contact information for the manager or operator of the special event

    2. Evidence of right, title, or interest by the applicant in the location of the special event and any areas providing support for the event
    3. Evidence in plan, text, or report form explaining and/or demonstrating how the event meets the applicable standards of Section 10-505
    4. Such plans, specifications, and reports as many be deemed necessary for a proper review of the proposed special event

D. Additional Information. Staff processing the application may request such additional plans, specifications and reports as may be deemed necessary for a proper review of the application.

Sec. 10-505 Approval Criteria

A. The burden of proof as to whether the standard is met is that of the applicant.
B. The application must be approved and the permit issued if the City, using the review procedures in Section 10-507, determines that the applicant has demonstrated that the applicable standards of review have or will be met.
C. Standards of Review
    1. Adequate and satisfactory water supply and facilities
    2. Adequate refuse storage and disposal facilities
    3. Adequate medical facilities, supplies, care, and staffing availability
    4. Adequate fire and police protection
    5. Adequate transportation, mobility, and access for special event participants, general public, transit, and emergency services.
    6. Adequate sewer facilities
    7. Sanitary food service
    8. Appropriate sleeping area and facilities if necessary
    9. Adequate traffic control
    10. Such other matters as may be appropriate to the type of event and to provide for health and safety

11. The applicant shall carry public liability insurance in an amount not less than $1,000,000.00 per person for bodily injury and for property damage with the City to be named as an additional insured. The proof of insurance will be reviewed for adequacy by the City.
12. Adequate precautions to prevent public or private nuisances, as defined in State or local law, such as, but not limited to excessive noise.
13. Adequate precautions will be taken to control the use and consumption of alcoholic beverage.

Sec. 10-506 Review Procedures

A. As soon as practical after determination of the application as being complete and that the applicant has standing, the City Clerk must forward the application and associated materials to the following for review:
    1. Police Chief
    2. Fire Chief
    3. Codes Enforcement Officer
    4. Public Works Director
    5. Parks and Recreation Director
B. Upon receipt, reviewers shall review the application and make a determination on the application as to its compliance with the standards of review identified in Section 10-505(B). Determinations and any review comments shall be reported to the City Clerk.
C. Once all reviewers have reported their findings to the City Clerk, the City Clerk shall:
    1. Approve the application
    2. Approve the applications with reasonable conditions
    3. Deny the application
D. If denied, the applicant shall be provided in writing with the cause for such denial.
E. Appeal process: The denial of a permit by the City of Bath may be appealed to the City Manager. The appeal must allow the City Manager a sufficient amount of time prior to the scheduled event so as to process an appeal. If time permits, the Manager may schedule a meeting with the applicant, the Chief of Police, and any other Department Managers or advisors deemed necessary. The City Manager may:
    1. Affirm the denial
    2. Direct the issuance of the permit
    3. Deny the permit pending the applicant's completion of certain steps, which if followed, will result in the permit being issued.

Sec. 10-507 Permit fee; Costs of Services

A. A non-refundable administrative fee for processing an application under this article shall be $25 dollars and shall be submitted at the time of the submission of the application.
B. Costs. Any costs related to the staging and management of the special event, including, but not limited to costs for cleanup, crowd control, traffic control, medical personnel, public safety personnel, waste disposal, or cleanup and the like, will be assessed against the operator. This shall include costs for local law enforcement, and payment of all proper claims for damages to real or personal property. Where the costs are anticipated to be substantial, in excess of $5,000.00, the permit may be conditioned upon the receipt of a deposit to be held by the City until all final costs are tabulated. If there is any balance in the deposit, that shall be refunded to the operator.

Sec. 10-508 Law enforcement

Nothing in this Section shall be deemed a waiver of the provisions of State Law or Local Ordinances which prohibit the sale, consumption, or vending of alcoholic beverages in certain locations. (Reference is made to City Ordinances Chapter 6, Cemeteries and Parks, Article 4, Park Areas–Prohibitions, Sect. 6-28, Park Areas–Prohibited Activities, Subsection J, Alcoholic Beverages, which allow alcoholic beverages in the Library and/or Waterfront Parks in connection with specific events.)

Sec. 10-509 Victualers/vendors; alcoholic beverages

A. No operator will permit, encourage or suffer any person, firm, business, family or corporation from selling or merchandising clothes, food, goods, second-hand merchandise, etc., at a special event unless that person, firm, business, family or corporation has secured a vendor or victualers license as required by the City.

B. Any vendor or victualer found at a special event without proper State and/or local licensing to so operate will be removed by the City from the special event, and the operator will be cited for violation of this chapter and for violation of any other applicable City Code and/or State laws . Local licenses may be waived in certain circumstances.

C. If the operator intends to sell or permit the sale of alcoholic beverages within the special event area during a special event, the operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the City's

Special Amusement Ordinance. No alcoholic beverages shall be sold at a special event after 10:00 p.m.

Sec. 10-510 Violations and penalties

Any person or operator who violates any provision of this ordinance or any term of a permit issued pursuant to this chapter shall be subject to a civil penalty. It is a violation of this ordinance and deemed a nuisance herein to hold a special event within the City of Bath without a permit. Operator(s) found in violation of this chapter shall be subject to a fine of not to exceed a maximum of $1,000, plus any and all costs of the City of Bath, including the Police and Fire Departments, incurred by the City to terminate the special event, safely disperse those in attendance and enforce this ordinance. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The provisions of this ordinance shall be enforced by the Chief of Police, the Codes Enforcement Officer, or such other municipal official or employee as the Chief of Police shall designate.

C4

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
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Date: 09/25/2019

To: Bath City Council

From: Juli Millett, Finance Director

CC: Peter Owen, Bath City Manager

Annually each municipality is required to administer a general assistance, or GA program, that is consistent with State law. The council does this by approving the ordinance as attached (22 MRS §4305 (1)). The ordinance must be adopted by the municipal officers (selectmen or councilors), after notice and hearing, and must be amended annually by the same process to include updated GA maximum levels of assistance, etc. Also, the ordinance, including maximums and all forms and notices, must be filed with the Maine Department of Health and Human Services.

Summary of 2019 Amendments to Model GA Ordinance

The ordinance was amended to comply with legislation enacted in 2019. "Potable water" was added to the list of basic necessities. PL 2019, c. 126. In addition, a new definition of "homelessness" was added to the ordinance and a new section 5.1A was added to address presumptive eligibility up to 30 days now required for persons in an emergency homeless shelter. Also, a person experiencing homelessness as defined in the law is eligible for emergency GA benefits if meeting all other applicable criteria. PL 2019, c. 515. Finally, consistent with DHHS guidance issued May 2019, the ordinance was amended to allow the GA administrator to authorize reimbursement for cell phones if needed for work related purposes. A redlined version of the changes in the ordinance showing the 2019 changes is included.

Attached please find the state updates to the General Assistance program effect 10/01/2019 to 09/30/2020. The appendices are updated as attached. The new appendices once adopted will replace the existing appendices.

Date: September 24, 2019

To: Bath City Council

From: Juli Millett, Finance Director
Judy Hardy-Goddard, GA Administrator

CC: Peter Owen, City Manager

Re: 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
2019-2020

Ordinance: Chapter 8A. General Assistance Maximums for October 1, 2019 to September 30, 2020 (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.) Note: (22 ~~M.R.S.A.~~M .R.S.) throughout the complete ordinance.

ARTICLE II Definitions

Section 2.2—Special Definitions

Basic Necessities. Food, clothing, shelter, fuel, electricity, potable water, non-elective essential medical services as prescribed by a physician, nonprescription drugs, basic telephone service where it is necessary for medical or work ~~search~~ related reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality.

Homelessness. "Homelessness" means a situation in which a person or household is: (a) living in a place that is not fit for human habitation; (b) living in an emergency shelter; (c) living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility; (d) exiting a hospital or institution licensed under 22 M.R.S. ch. 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility; (e) losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or (f) fleeing or attempting to flee violence and has no other residence.

ARTICLE IV

Application Procedure

Section 4.9—Emergencies An emergency is considered to be any life threatening situation or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety

of the applicant or a member of the household (22 ~~M.R.S.A.~~M .R.S. § 4301(4)). An emergency includes homelessness or imminent homelessness. Although they may be considered otherwise ineligible to receive general assistance, persons who apply for assistance to alleviate an emergency may be granted assistance, except as provided below, if they do not have sufficient income and resources to meet an actual emergency need and have not had sufficient income and resources to avert the emergency (22 ~~M.R.S.A.~~M .R.S. § 4308). A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs to either the client or the municipality.

ARTICLE V

Eligibility Factors

Section 5.1A – Presumptive Eligibility A person who is provided shelter in an emergency shelter for the homeless located in the municipality shall be presumed to be an eligible person ~~for 30 days~~. Presumed eligibility may not exceed 30 days within a 12-month period. Full eligibility must be verified prior to assistance issued subsequent to the presumed period of eligibility. ~~After 30 days, that person's eligibility must be redetermined~~. When presumptive eligibility is determined under this section, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

Section 6.6—Determination of Need
Items not considered to be basic necessities and thus will not be allowed in the budget computation include:
Internet services
Cable or satellite television
Cellular phones, except when deemed essential by the overseer for medical or work search related purposes
Cigarettes/alcohol
Gifts purchased
Pet care costs
Costs of trips or vacations
Paid court fines
Repayments of unsecured loans
Legal fees
Late fees
Credit card debt

Also delete appendices to the ordinance dealing with maximums allowances and adopt the MMA Model Ordinance GA Appendices (A-D) for the period of October 1, 2019 - September 30, 2020. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 ~~M.R.S.A.~~M .R.S. §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)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)
_____	_____
(Print Name)	(Signature)

Appendix A- Overall Maximums

	Persons in Household				
2018/2019	1	2	3	4	5
Sagadahoc County	786	875	1071	1345	1636

New Maximums

	Persons in Household				
2019/2020	1	2	3	4	5
Sagadahoc County	809	915	1076	1425	1677

Appendix B-Food Maximums

	Persons in Household				
2018/2019	1	2	3	4	5
Sagadahoc County	192	352	504	640	760

2019/2020	1	2	3	4	5
Sagadahoc County	194	355	509	646	768

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.

2018/2019			2019/2020		
# Bedrooms	unheated	heated	# Bedrooms	unheated	heated
1	679	803	1	723	851
2	795	932	2	832	998
3	1059	1246	3	1125	1334
4	1297	1524	4	1311	1568

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:

Number in Household	Weekly	Monthly
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:

Number in Household	Weekly	Monthly
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 – Fuel There was NO CHANGE in fuel

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

Appendix F – Personal and Household Supplies There was NO CHANGE in Personal and Household Supplies

Number in Household	Weekly Amount	Monthly Amount
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.

Appendix G Mileage Rate (NO CHANGE)

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Controller. The current rate for approved employment and necessary medical travel etc. is 44 cents (44¢) per mile.

Appendix H Funeral Maximums

Burial Maximums

The maximum amount of general assistance granted for the purpose of a burial increased to **$1,475**. The previous amount was **$1,125.** Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation Maximums

The maximum amount of assistance granted for a cremation increased to **$1,025** from the prior maximum of **$785**. Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed $55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

D*8

REGULAR MEETING MINUTES
CITY COUNCIL OF THE CITY OF BATH, MAINE
Wednesday, September 4, 2019, 6:00 PM
City Council Chambers, Bath City Hall

Present: Councilors Bailey, Paulhus, Nordmann, Leonard, Comeau, Bauer, Ambrosino and Madame Chair Eosco. Councilor Park was excused.

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

Deb Keller, Executive Director of Bath Housing gave an overview of housing and shared some opportunities and highlights over the past year. Ms. Keller stated they are celebrating their 50th anniversary this fall. Bath Housing was created to address the shortage of housing for people with low incomes. Back in the day, according to statutes, cities and towns had to declare by resolution to address the need of housing in municipalities. The City appoints the BHA's governing body and legislation and, now, requires Bath Housing to meet with the City annually and is why she is presenting her report fulfilling that requirement.

Bath Housing Authority works to provide stable housing in the area and administers HUD federal housing programs. Last year, through HUD, they added 22 new vouchers to the existing 134 vouchers. Bath Housing, also, operates the low income public housing program which includes the Anchorage, Mooring and Dike's Landing. BHA serves the surrounding towns of West Bath, Arrowsic, Woolwich, Georgetown and Phippsburg. In 2014, they created the 501C3 non-profit development corporation and this entity added 88 more apartments. In 2018, they received a $745,000.00 grant from the Community Development Block Grant Program. This money allowed the rehab of up to 17 more apartments in the area. This is a second grant; Bath Housing had a $500,000.00 grant in 2015. Ms. Keller spoke about Comfortably Home and how the low impact modifications can be beneficial reducing phone calls for assistance and noted that this is a free program. BHA acquired two parcels in downtown Bath including the Moses and Columbia blocks as well as the parking lot at 195 Front Street. The goal of the acquisition is to preserve the historical downtown area, encourage economic stimulus and to maintain housing at modest prices for people who live and work here. The waiting list for housing is over 2 years for unsubsidized apartments. Ms. Keller applauds the work of the City and the committees over the years. She looks forward to her continued partnership with the City of Bath.

Brenda Cummings, City Assessor, gave the Council an update on the revaluation of the City. The revaluation began over a year ago and is, now, finally coming to a close. Vision Solutions measured and inspected 3,751 parcels across Bath and logged over 8,000 contacts with property owners. The assessment team had high praise for Bath property owners who were very welcoming. Ms. Cummings was very impressed with the Vision Solution's team and with their interaction with the public and, also, for their suggestions to talk with the Assessor's Office about ways to save on taxes such as with the Homestead Exemption. The overall, property values increased by 7.9% as whole, residential properties increased by about 14%, commercial and industrial properties increased by 6%. The good news is that the increased property values will lead to a 9.2% lower mill rate. The goal is to have the tax burden shared across the board. Even though the informal hearings have ended, it's not too late to have property owners ask for a review of their property through the appeals process. Information can be found on the City's website or by contacting the Assessor's Office. There are brochures to give guidance on abatements. The revaluation books and sales data are in the Assessor's Office, City Clerk's Office and the Patten Free Library for anyone who would like to look at them. Ms. Cummings thanked everyone in Bath for making this process as painless as it could be and for their generosity and understanding.

C. Public Hearings: 6:20 PM

1) ORDINANCE APPROVING CONTRACT:

Madame Chair Eosco read the following ordinance:

ORDINANCE APPROVING CONTRACT
Public Works Employees, Cemeteries and Parks Employees and Water Pollution Control Facility Employees
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, A BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE BATH PUBLIC WORKS EMPLOYEES, BATH CEMETERIES AND PARKS DEPARTMENT EMPLOYEES, AND THE BATH WATER POLLUTION CONTROL FACILITY EMPLOYEES, LOCAL NO. S-89 OF DL-4 THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, IAMAW, AFL–CIO, COMMENCING JULY 1, 2019, AND EXTENDING THROUGH JUNE 30, 2022, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

Councilor Ambrosino made the motion to waive the reading of the ordinance and it was seconded by Councilor Bauer.

Madame Chair Eosco asked for a motion to put the ordinance on the floor for discussion. Councilor Paulhus made the motion and it was seconded by Councilor Comeau.

Peter Owen, City Manager, gave a quick review of some of the details during the executive session in July. He stated that he wasn't present for the last Council meeting but that Marc Meyers, Assistant City Manager, was present and was able to answer questions. The contract made it through first passage. He stated he would not take the time to go into any details unless the Council had questions. Councilor Bailey asked if the non-union workers' pay rates commensurate with the union workers because she noted exclusions in some of the categories. Mr. Owen stated that it is hard to compare classifications because there are actions such as plowing, jack hammering and operating equipment that are only performed by public works employees.

Madame Chair Eosco asked for any comments from the public or the City Council and there were none.

ROLL CALL VOTE:

Councilor Bailey, Councilor Paulhus, Councilor Leonard, Councilor Comeau, Councilor Bauer and Councilor Ambrosino
Councilor Nordmann was absent for this vote.

YEAS: 6
NAYS: 0

Passed Unanimously.

Madame Chair Eosco announced that this ordinance will become law in 21 days

2) ORDINANCE FOR ARTICLE 18 – ADULT USE AND MEDICAL MARIJUANA:

Madame Chair Eosco read the following ordinance:

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:

Add Article 18 – Adult Use and Medical Marijuana, as follows:

Article 18- ADULT USE AND MEDICAL MARIJUANA

Section 18.01 PURPOSE

The purpose of this article is to provide for the regulation of marijuana establishments as defined in this Article and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S. Chapter 1 as may be amended.

Section 18.02 AUTHORITY

This article is adopted pursuant to the authority granted by 28-B M.R.S.§ § 1401 et seq., as may be amended.

Section 18.03 DEFINITIONS

As used in this Article, the following words and phrases shall have the meanings ascribed to them in this section.

Adult Use Marijuana shall mean "adult use marijuana product" as that term is defined in 28-B M.R.S. §§ 1102 (2), as may be amended.

Applicant shall mean a person that has submitted an application for licensure as a marijuana establishment or medical marijuana establishment pursuant to this Article.

Cultivate or Cultivation shall mean the planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of marijuana for use or sale. It does not include manufacturing.

Licensed Premises shall mean the premises specified in an application for a state or local license pursuant to this Article that are owned or in possession of the licensee and within which the licenses is authorized to Cultivate, Manufacture, distribute, sell, or test Adult Use Marijuana or Adult Use Marijuana Products in accordance with the provisions of this Article and the requirements of state law and regulations.

Licensee shall mean a person licensed pursuant to this Article or, in the case of a holder of an occupational license, a natural person licensed pursuant to this Article.

Local Licensing Authority shall mean the City Clerk or the City Council, as further specified in the provisions of this Article.

Manufacture or Manufacturing shall mean the production, blending, infusion, compounding, or other preparation of marijuana products, including, but not limited to, marijuana extraction or preparation by means of chemical synthesis. It does not include cultivation.

Marijuana shall mean "marijuana" as defined in 28-B M.R.S. §§ 1102(27), as may be amended.

Marijuana Concentrate shall mean the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin, including, but not limited to hashish. In determining the weight of Marijuana Concentrate in a marijuana product, the weight of any other ingredient combined with marijuana to prepare a marijuana product may not be included.

Marijuana Cultivation Facility shall mean a "cultivation facility" as that term is defined in 28-B M.R.S. §§ 1102 (13), as may be amended. A Marijuana Cultivation Facility is an entity licensed to cultivate, prepare, and package Adult Use Marijuana and to sell Adult Use Marijuana to Marijuana Establishments.

Marijuana Establishment shall mean a "marijuana establishment" as that term is defined in 28-B M.R.S.§§ 1102 (29), as may be amended. A Marijuana Establishment is a Marijuana Store, a Marijuana Cultivation Facility, a Marijuana Products Manufacturing Facility, or a Marijuana Testing Facility.

Marijuana Products Manufacturing Facility shall mean a "products manufacturing facility" as that term is defined in 28-B M.R.S. §§ 1102 (42), as may be amended. A Marijuana Products Manufacturing Facility is an entity licensed to purchase Adult Use Marijuana products; and to sell Adult Use Marijuana products from a Marijuana Cultivation Facility only to other Marijuana Products Manufacturing Facilities, and Marijuana Stores.

Marijuana Store shall mean a "marijuana store" as defined in 28-B M.R.S. §§ 1102 (33), as may be amended. A Marijuana Store is an entity licensed to purchase Adult Use Marijuana from a Marijuana Cultivation Facility and to purchase Adult Use Marijuana products from a Marijuana Products Manufacturing Facility and to sell Adult Use Marijuana and Adult Use Marijuana products to consumers.

Marijuana Testing Facility shall mean a "testing facility" as defined in 28- B M.R.S. §§ 1102 (53), as may be amended. A Marijuana Testing Facility is a facility licensed to develop, research, and test Marijuana, marijuana products, and other substances.

Medical Use shall mean the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of Marijuana or paraphernalia relating to the administration of Marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under 22-M.R. S. §§ 2421-2430-H.

Medical Marijuana Storefront shall mean an establishment which resembles a retail storefront in terms of signage, hours of operation, and accessibility to patrons, and which is operated by one or more registered primary caregivers as defined by 22 M.R.S. §§ 2422 (8-A) for the sale of Marijuana and marijuana products to qualifying patients as defined by 22 M.R.S. §§ 2422(9).

Owner shall mean a person whose beneficial interest in a Marijuana Establishment is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a Marijuana Establishment and has a controlling interest in a Marijuana Establishment.

Registered Dispensary or "dispensary" shall mean an entity registered under section 22-M.R.S. §§ 2421-2430-H. that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients.

Person shall mean a natural person, partnership, association, corporation, or a manager, agent, owner, director, servant, officer, or employee thereof. "Person" does not include any governmental organization.

State license shall mean any license issued by the state licensing authority.

State licensing authority shall mean the authority created by the State for the purpose of regulating and controlling the testing and sale of Adult Use Marijuana and Adult Use Marijuana products in the state.

Section 18.04 MARIJUANA ESTABLISHMENTS

Marijuana Establishments, Dispensaries, and Medical Marijuana Storefronts shall be allowed, subject to the requirements and restrictions of this article.

Section 18.05 Prohibited Activities

A. No Marijuana Establishment, Dispensary, or Medical Marijuana Storefronts shall be established or operated within the City without first receiving and then maintaining all approvals required under this Code, including, but not limited to, this article and other articles as required by the Land Use Code,

B. No Marijuana Establishment, Dispensary, or Medical Marijuana Storefronts shall conduct any activity for which it has not received the required state license and local license. Local license requirements are detailed in the City Code section

Section 18.06 LICENSE REQUIRED

A. State license A Marijuana Establishment, Dispensary, or Medical Marijuana Storefront shall not operate until it is licensed by the state licensing authority pursuant to the requirements of 28-B M.R.S. §§ 101-1504, Chapter 1, as may be amended. An applicant may not operate a Marijuana Establishment, Dispensary, or Medical Marijuana Storefront without a state license and all other necessary local approvals.

B. Local license A local license issued under the provisions of this article is required for any Marijuana Cultivation Facility, Marijuana Products Manufacturing Facility, Marijuana Store, Dispensary, or Medical Marijuana Storefront. A Marijuana Testing Facility does not require a local license.

Section 18.07 PERFORMANCE STANDARDS FOR MEDICAL MARIJUANA

Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, this section, when enacted, shall govern any proposed Medical Marijuana Dispensary or Medical Marijuana Storefront for which an application has not been submitted and acted upon by the Planning Board prior to January 1, 2019. The following standards apply to all medical marijuana Dispensaries and Medical Marijuana Storefronts:

A. Location Criteria No medical marijuana Dispensary or Medical Marijuana Storefront shall be sited within 500 feet of the lot lines of any of the following:

1. A public or private elementary, secondary, or post-secondary school
2. A licensed child care facility, day-care facility, or day- care home
3. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center

The distance cited in this subsection shall be measured between the lot line of the proposed site for the medical marijuana dispensary or medical marijuana storefront and the lot line of the site of the use listed above at their closest points.

A Marijuana Establishment may continue to operate in its present location as a pre-existing use if a use as listed in Section 18.07 A locates within the applicable buffer zone, however, the Marijuana Establishment does so at its own risk, and City-issued licenses, permits or

approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana establishment near another use.

B.Signage and Advertising All signage and advertising for a medical marijuana Dispensary and Medical Marijuana Storefront shall comply with the applicable provisions of the Advertising Ordinance of the City of Bath.

C.Security Requirements Security measures at a medical marijuana Dispensary, Medical Marijuana Storefront, and any associated Cultivation facilities shall include, at a minimum, the following:

1.Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises

2.Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition

3.A locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the licensed premises

4.Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of the Land Use Code

5.Deadbolt locks on all exterior doors and locks or bars on any other access points

All security recordings shall be preserved for at least seventy-two (72) hours. The medical marijuana Dispensary or Medical Marijuana Storefront shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the City may provide notice of any operating problems associated with the medical marijuana Dispensary or Medical Marijuana Storefront.

D.Cultivation If there is both the cultivation and dispensation of marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensation of marijuana. The plant canopy of a Marijuana Cultivation Facility shall not exceed 10,000 square feet in area. A Cultivation Facility must comply with all building and life safety codes

E.On site Consumption of Medical Marijuana The consumption, ingestion, or inhalation of medical marijuana on or within the premises of a medical marijuana Dispensary, Medical Marijuana Storefront, or Cultivation Facility is prohibited.

F.Visibility of Activities

1.All activities of medical marijuana Dispensaries, Medical Marijuana Storefronts, and Cultivation facilities including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors.

2.No Marijuana or paraphernalia shall be displayed or kept in a Dispensary, Medical Marijuana Storefront, or Cultivation Facility so as to be visible from outside the premises.

G.Odor Management For all Medical Marijuana Establishments, the odor of Marijuana must not be perceptible at the exterior of the building, at the premises, or at any adjoining use of the property. Medical Marijuana Cultivation facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Medical Marijuana Storefronts and Dispensaries are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all establishments are strongly encouraged to

adopt best management practices with regard to implementing state of the art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

1. Marijuana manufacturing facilities and marijuana testing facilities shall include proper ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.
2. Sufficient measures and means of preventing smoke debris, dust, fluids, and other substances from exiting a marijuana establishment must be provided at all times.

H. Disposal All Medical Marijuana Establishments shall have in place an operational plan for proper disposal of Marijuana and related by products in a safe, sanitary, and secure manner and in accordance with all applicable federal, state, and local laws and regulations. Dumpster and refuse containers must not be overflowing and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from the public view. All trash receptacles on the premises used to discard marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles. In addition, all dumpsters and containers must comply with all other articles of the Land Use Code.

I. Sale of Edible Products No food products shall be sold, prepared, produced, or assembled by a Medical Marijuana Dispensary or Medical Marijuana Storefront except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

J. Drive Through Medical Marijuana Establishments, including Medical Marijuana Dispensaries and Medical Marijuana Storefronts, are prohibited from having drive-through facilities. Retail sales of Medical Marijuana shall only be made from within a retail establishment

K. Other Laws Remain Applicable A Medical Marijuana Dispensary or Medical Marijuana Storefront shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing medical marijuana dispensaries, the stricter law or regulation shall control.

SECTION 18.08 PERFORMANCE STANDARDS FOR ADULT USE MARIJUANA ESTABLISHMENTS

Notwithstanding the provisions of 1 M.R.S § 302 or any other law to the contrary, this section, when enacted, shall govern any proposed Marijuana Establishment for which an application has not been submitted and acted upon by the Planning Board prior to January 1, 2019. The following standards apply to all Adult Use Marijuana Establishments:

A. Location Criteria No Marijuana Establishment shall be sited within 500 feet of the lot lines of any of the following:

1. A public or private elementary, secondary, or post-secondary school
2. A licensed child care facility, day-care facility, or day-care home
3. Any juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center

The distance cited in this subsection shall be measured between the lot line of the proposed site for the marijuana establishment and the lot line of the site of the use listed above at their closest points.

A Marijuana Establishment may continue to operate in its present location as a pre-existing use if a use as listed in Section 18.08 A locates within the applicable buffer zone, however,

the Marijuana Establishment does so at its own risk, and City-issued licenses, permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana establishment near another use.

B.Cultivation The plant canopy of a Marijuana Cultivation Facility shall not exceed 10,000 square feet in area. A Cultivation Facility must comply with all building and life safety codes. If there is both the cultivation and retail sales of adult use marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for retail sale of marijuana.

C.Separation of Marijuana Retail Facilities No adult use Marijuana Store shall be sited within 300 feet of another adult use Marijuana Store as measured by the closest points between the storefronts.

D.Signage and Advertising All signage and advertising for adult use Marijuana Establishments shall comply with the applicable provisions of the Advertising Ordinance of the City of Bath.

E.Security Requirements Security measures at an adult use Marijuana Establishment shall include, at a minimum, the following:

1. Security surveillance cameras installed and operating 24 hours a day, 7 days a week to monitor all entrances, along with the interior and exterior of the premises, to discourage and facilitate the reporting of criminal acts, and nuisance activities occurring at the premises.
2. Door and window intrusion robbery and burglary alarm systems with audible and Police Department notification components that are professionally monitored and maintained in good working condition.
3. A locking safe permanently affixed to the premises that is suitable for storage of all prepared marijuana and cash stored overnight on the licensed premises.
4. Exterior lighting that illuminates the exterior walls of the licensed premises and complies with applicable provisions of the Land Use Code.
5. Deadbolt locks on all exterior doors and locks or bars on any other access points.

All security recordings shall be preserved for at least seventy-two (72) hours. The Marijuana Establishment shall provide the Police Chief or his designee with the name and functioning telephone number of a 24-hour on-call staff person to whom the City may provide notice of any operating problems associated with the establishment.

F.No Outdoor Sales All activities of Marijuana Establishments, including, without limitation, cultivating, growing, processing, displaying, selling and storage, shall be conducted indoors. Marijuana Establishments are not permitted as outdoor sales or services of any kind.

G.Display of Paraphernalia No marijuana or paraphernalia shall be displayed or kept in an adult use Marijuana Retail Store, or Cultivation Facility so as to be visible from outside the premises.

H.Odor Management For all Marijuana Establishments the odor of marijuana must not be perceptible at the exterior of the building, at the premises, or at any adjoining use of the property. Marijuana Cultivation Facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Marijuana stores, Marijuana Manufacturing Facilities, and marijuana testing facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the City does not mandate any particular equipment specifications with regard to filtration, all marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state of the art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.

1. Marijuana Manufacturing Facilities and Marijuana Testing Facilities shall include proper ventilation systems to mitigate noxious gases or other fumes used or created as part of the production.
2. Sufficient measures and means of preventing smoke debris, dust, fluids, and other substances from exiting a Marijuana Establishment must be provided at all times.

I. Disposal All Marijuana Establishments shall have in place an operational plan for proper disposal of marijuana and related by products in a safe, sanitary, and secure manner and in accordance with all applicable federal, state, and local laws and regulations. Dumpster and refuse containers must not be overflowing and the surrounding area must be kept free of litter and trash. All dumpsters and containers shall be screened from the public view. All trash receptacles on the premises used to discard marijuana products must have a metal cover or lid that is locked at all times when the receptacle is unattended and security cameras must be installed to record activities in the area of such trash receptacles. In addition, all dumpsters and containers must comply with all other articles of the Land Use Code.

J. Sale of Edible Products No food products shall be sold, prepared, produced, or assembled by a Marijuana Establishment except in compliance with all operating and other requirements of state and local law and regulation, including, without limitation, food establishment licensing requirements. Any goods containing marijuana for human consumption shall be stored in a secure area.

K. Drive Through Marijuana Establishments are prohibited from having drive-through facilities. Retail sales of Adult Use Marijuana shall only be made from within a retail establishment.

L. Other Laws Remain Applicable A Marijuana Establishment shall meet all operating and other requirements of State and local laws and regulations. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing marijuana or marijuana establishments, the stricter law or regulation shall control.

Section 18.09 Violations and Penalties

The operation of any Marijuana Establishment, Dispensary, or Medical Marijuana Storefront without the required local license or in violation of the requirements of this article shall be a violation of this article. Violations shall be subject to fines as set by the City Council. Each day of violation shall constitute a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of Section 18.09 of this article. In any court action, the City may seek injunctive relief in addition to penalties. The City shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 18.10 Severability

The provisions of this article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

Section 18.11 Other Laws

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S § Chapter I, as may be amended. In the event of a conflict between the provisions of this article and the provisions of the Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

Councilor Bauer made the motion to waive the reading and it was seconded by Councilor Leonard.

Madame Chair Eosco asked for a motion to put the ordinance on the floor for discussion. Councilor Bauer made the motion and it was seconded by Councilor Ambrosino

Ben Averill, City Planner, stated that this was the second passage for Article 18, Adult Use and Medical Marijuana facilities in the City. Article18 is for the performance standards and require state and local licensing for adult use and medical marijuana. There is a requirement for a 500 foot buffer zone near any type of school or day care facility. There is a buffer zone of 300 feet for adult use facilities and requirements for several types of security along the marijuana establishments. Mr. Averill spoke on the amendments for the land use table of the zoning portion in Article 9 with adult use or medical marijuana being allowed in the C1 and C4 districts, manufacturing and testing being allowed in the C3 and C4 zoning districts and cultivation being allowed in the R3 district. Mr. Averill pointed out that City staff is recommending that Council continue the public hearing until the next meeting for all three components, at the same time, instead of having two second passages and one first passage. Mr. Averill, also, stated that Councilor Park had suggested an amendment for Article 18 on the performance standards. The request is to add an additional buffer zone to public parks in the C1 zoning district. Madame Chair Eosco stated that Council could make a motion to make an amendment on the park buffer zone. Councilor Bauer made the motion to accept Councilor Park's proposal and it was seconded by Councilor Bailey. Madame Chair Eosco said that the amendment would be to add parks into the buffer zones. She asked if anyone from the public wanted to comment about adding the parks to the buffer zones. George Sprague, of 14 Park Street, came up to the podium to suggest that Council disregard the establishment already in business, when making the laws for marijuana. We want to do what makes sense overall for the City and this establishment may not always be in Bath. Matt Warner representing Preti Flaherty Law Office spoke about the exclusionary zone and asked the Council to include medical dispensaries keeping the 300 foot buffer and to treat all medical marijuana facilities the same in the ordinance.

Roger Therriault, City Solicitor, stated that Council could vote on the amendments at any point in the proceedings. If voted on, the vote is carried forward and tabled to the final passage and it would become part of the package to consider in October. Council doesn't have to postpone, although it can be tabled until October when all three marijuana ordinances come together for final passages. Councilor Paulhus recommended that all three amendments be tabled together until October when they can be passed together and when Councilor Park can be part of the discussion.

Madame Chair Eosco asked for a motion to table the discussion until the October 2nd meeting. Councilor Paulhus made the motion and it was seconded by Councilor Nordmann.

All were in favor of tabling the amendment until the October meeting.

VOTE ON TABLING THE AMENDMENT:

YEAS: 7
NAYS: 0

Madame Chair Eosco opened the public hearing on Article 18.

Matt Warner, an attorney, from Preti Flaherty Law Firm returned to the podium and stated he represented the Wellness Connection which is the only legal retail marijuana establishment in Bath. Article 18 treats all medical and adult use marijuana facilities differently and the main concern is with the buffer zone. As the ordinance reads now, Wellness would have to consider whether to convert to Adult use or stay as a dispensary. He said the way the ordinance is written, Bath could get more medical retail stores in the downtown zones because they can be clustered together. He has proposed language that the City of Portland is looking at right now. His suggestion is to make the ordinance cleaner and treat all medical and retail facilities permitting under state law, the same.

Madame Chair Eosco asked if anyone else wanted to speak on Article 18 and no one else came forward. Madame Chair Eosco closed the public hearing on Article 18.

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:

Amend Article 9 – Uses, as follows:

Add Section 2.3, Section 4.3, and Section 16.9 to the Land Use Table in Article 9

	ZONING DISTRICTS																		
LAND USE CATEGORY	**R1**	**R2**	**R3**	**R4 & R6**	**R5**	**C1**	**C2**	**C3**	**C4**	**C5**	**NC**	**I**	**GC**	**PH**	**M**	**RP**	**NRPO**	**TMC**	**S**
2.0 Sales or Rental of Goods, Merchandise, or Equipment																			
2.1 No storage and only incidental display of goods outside fully enclosed building																			
2.1.1 High-volume traffic generation, no drive-up window																			
2.1.1.1 Miscellaneous																			
2.1.1.1.1 With less than 5,000 square feet of gross floor area	N	N	N	N	N	S	S	N	S	N	S	N	N	N	N	N	N	N	N
2.1.1.1.2 With 5,000 square feet or more of gross floor area	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N
2.1.1.2 Convenience store	N	N	N	N	N	S	S	N	S	N	S	N	N	N	N	N	N	N	N
2.1.2 High-volume traffic generation, with drive-up window	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
2.1.3 Low-volume traffic generation																			
2.1.3.1 With less than 5,000 square feet of gross floor area	N	N	N	N	N	S	S	N	S	N	S	N	N	N	N	N	N	N	N
2.1.3.2 With 5,000 square	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N	N	N	N

feet or more of gross floor area																			
2.2 With storage and display outside fully enclosed building	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
2.3 Retail marijuana store, dispensary and medical marijuana storefront																			
2.3.1 with less than 5,000 square foot of floor area	*N*	*N*	*N*	*N*	*N*	*S*	*N*	*N*	*S*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
2.3.2 with 5,000 square feet of floor area or more	*N*	*N*	*N*	*N*	*N*	*S*	*N*	*N*	*S*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
LAND USE CATEGORY	**R1**	**R2**	**R3**	**R4 & R6**	**R5**	**C1**	**C2**	**C3**	**C4**	**C5**	**NC**	**I**	**GC**	**PH**	**M**	**RP**	**NRPO**	**TMC**	**S**

LAND USE CATEGORY	ZONING DISTRICTS																		
	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
3.0 Office, Clerical, Research, or Services																			
3.1 All operations conducted entirely within fully enclosed building																			
3.1.1 Operations designed to attract and serve numerous customers or clients on the premises, such as the offices of attorneys, physicians, dentists, other professions, travel agents, banks, or government office buildings	N	N	N	N	N	S	S	N	S	N	S	S	N	N	N	N	N	N	N
3.1.2 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	N	N	N	N	N	S	S	S	S	N	N	S	N	N	N	N	N	N	N
3.2 Operations such as banks with drive-up windows	N	N	N	N	N	S	N	N	S	N	N	S	N	N	N	N	N	N	N
4.0 Manufacturing, Processing, Creating, Repairing, Renovating, or Assembling of Goods, Merchandise, or Equipment																			
4.1 All operations conducted entirely within fully enclosed building	N	N	N	N	N	S[3]	N	S	S	S	N	S	N	N	N	N	N	N	N
4.2 Operations conducted within or outside fully enclosed building	N	N	N	N	N	N	N	N	N	S	N	S	N	N	N	N	N	N	N
4.3 Marijuana manufacturing/ testing	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*S*	*S*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
	ZONING DISTRICTS																		

LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S
16.0 Agriculture, Livestock, Forestry, Mining																			
16.1 Agricultural operations and farming	N	S	A	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N
16.2 Timber-harvesting	N	S	A	N	N	N	N	N	N	N	N	N	N	N	N	A	N	N	N
16.3 Mineral extraction, with or without on-site sales of products	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
16.4 Sawmill	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
16.5 Farmstand	N	C	C	N	N	N	N	N	S	N	N	N	N	N	N	N	N	N	N
16.6 Community Garden	C	C	A	C	C	N	C	N	N	N	N	N	C	C	N	N	C	N	C
16.7 Livestock	N	N	A	N	N	N	N	N	N	N	N	N	N	N	N	N	C[5]	N	N
16.8 Small-Scale Chicken Flock	A	A	A	N	N	N	A	N	N	N	N	N	N	N	N	N	N	N	N
16.9 Marijuana Cultivation Facility	*N*	*N*	*S*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*	*N*
17.0 Transportation and Safety Facilities																			
17.1 Airport	N	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
17.2 Public works facilities	N	S	N	N	N	N	N	N	S	N	N	S	N	N	N	N	N	N	N
17.3 Public safety facilities	S	S	N	N	N	S	S	N	S	S	N	S	N	N	N	N	N	N	N
17.4 Transportation terminal	N	N	N	N	N	S	N	N	S	S	N	S	N	N	N	N	N	N	N
17.5 Truck Terminal	N	N	N	N	N	N	N	S	N	N	N	S	N	N	N	N	N	N	N
18.0 Dry Cleaner, Laundromat	N	N	N	N	N	S	S	N	S	N	S	S	N	N	N	N	N	N	N
LAND USE CATEGORY	R1	R2	R3	R4 & R6	R5	C1	C2	C3	C4	C5	NC	I	GC	PH	M	RP	NRPO	TMC	S

Madame Chair Eosco opened the public hearing on Article 9 and no one came forward.

Madame Chair Eosco closed the public hearing on Article 9.

Madame Chair Eosco asked for a motion to table items 2 and 3 as a slate to the October 2nd meeting. Councilor Bauer made the motion and it was seconded by Councilor Paulhus.
All were in favor of tabling the items until the October meeting.

D. Consent Agenda: 7:14 PM

***4) To accept the minutes of the previous Council Meeting of August 7, 2019, (motion to accept as presented).**

Madame Chair Eosco asked for a motion to accept the minutes of August 7, 2019.

Councilor Bailey made the motion and it was seconded by Councilor Paulhus.

E. Time Devoted to Residents to Address the City Council: 7:15 PM

John James of 30 Garden Street spoke about Bath Housing Authority's long term plans to build more subsidized housing and its negative impact on the City's mill rate and taxes paid by owners. In 2001, according to the Maine Housing Authority, Bath has the highest ratio of subsidized housing of any municipality in the state. Compared to our neighboring town, Brunswick, Bath has 2 ½ times per capita the number of housing projects and senior citizen housing than Brunswick. In 2014, a housing assessment study was conducted by Planning Decisions, Inc. out of Portland for the Bath Development Corporation and the Bath Housing Authority and the study did not answer the question of how much subsidized housing is too much for the City of Bath. Sagadahoc County needs more housing but so doesn't every other town and state in the country. He continued by saying that Bath is both blessed and cursed to serve as a city center. Blessed because of the diversity that makes Maine's "cool little city" a thriving social and business center and cursed because Bath is unable to expand its tax base as there is little to no land for development. Mr. James suggested that subsidized housing be built elsewhere in Sagadahoc County. He suggested that Szanton Company, Bath Development Corporation, Bath Housing and the Council begin immediate discussions about housing projects being built on the land of surrounding towns and to have their taxpayers take on the housing burden. Mr. James urged the Council to make sure that, unlike in the past, any new development pay 100% of its property taxes and not be subsidized by taxpayers for low income tax credits.

F. Resolutions, Orders and Ordinances: 7:20 PM

5) ORDINANCE: Amend Chapter 5, Businesses – Article 15 – Adult Use and Medical Marijuana Business Licensing, (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, ADOPTED FEBRUARY 2, 1977, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

CHAPTER 5. BUSINESS

ARTICLE 15- ADULT USE AND MEDICAL MARIJUANA BUSINESS LICENSING

Section 15.01 License Required

C.State license. A marijuana establishment shall not operate until it is licensed by the state licensing authority pursuant to the requirements of 28-B M.R.S § Chapter 1, as may be amended. An applicant may not operate a marijuana establishment without a state license and all other necessary local approvals.

D.Local license. A local license issued under the provisions of this article is required for any marijuana cultivation facility, marijuana products manufacturing facility, marijuana testing facility, dispensary, medical marijuana storefront or marijuana retail store.

Section 15.02 Licensing procedures

A.Licensing procedures

a.The initial application for a marijuana establishment license shall be processed by the City Clerk but reviewed and may be approved by the City Council. Applications shall be made on a form prepared by the city and must include all information required by Section 15.04 and of the form.

b.Public Hearing. A public hearing on an application for an initial license shall be scheduled after receipt of a completed application pursuant to Sec 18.10. The City Clerk shall post and publish public notice of the hearing in a newspaper of general circulation not less than seven days prior to the hearing.

c.A renewal application shall be subject to the same review standards as applied to the initial issuance of the license application, however a renewal application may be approved by City Staff pursuant to Section 15.05

B.Responsibilities and review authority

a.The City Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Article. The City Clerk may consult with other City Departments and any appropriate State Licensing Authority as part of this investigation.

b.The City Council shall have the authority to impose any conditions on a license that may be necessary to insure compliance with the requirements of this Chapter or to address concerns about operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

c.No local license shall be granted until the Police Chief, Fire Chief, and Code Enforcement Officer have all made a positive recommendation upon the Applicant's ability to comply with this article. Whenever inspections of the premises used for or in connection with the operation of a licensed business are provided for or required by ordinance or State law, it shall be the duty of the Applicant or licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the city authorized to make the inspection at any reasonable time that admission is requested.

Section 15.03 Licensing Fees

Fees for a local license shall be as set forth by the City Council and shall be paid annually.

Section 15.04 Application

A.Application required. Each applicant for a marijuana business license shall complete and file an application on a form prescribed by the City Clerk, together with the license fee.

B.Each application shall include:

a.A copy of the applicant's state license application and supporting documentation as filed with the State Licensing authority, and amended thereto.

b.Evidence of all state approvals or conditional approvals required to operate a Marijuana Establishment, including, but not limited to, a State License as defined by this Article, a state retail certificate, or a State health license.

c.If not included in the applicants state license application, attested copies of the articles of incorporation and bylaws if the applicant is a corporation, operating agreement if the applicant is a limited liability company, evidence of partnership if the applicant is a partnership, or articles of association and bylaws if the applicant is an association.

d. If not included in the applicant's state license application, an affidavit that identifies all owners, officers, members, managers, or partners of the applicant, their places of residence at the time of the application and for the immediately preceding three (3) years.

e. If not included in the applicant's state license application, a release authorized by 16 M.R.S. § 620 (6), as may be amended, with the application for each applicant and for each officer, owner, member, manager, or partner of the applicant seeking local license.

f. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana establishment pursuant to the Land Use Code, including, but not limited to, a building permit, site plan approval, or certificate of occupancy.

g. Evidence of all other local approvals or conditions approvals required to operate a marijuana establishment pursuant to the land use code and city ordinances including, but not limited to a food license or victualer's license.

h. A description of the premises for which the local license is sought, including a plan of the premises.

C. Complete application. In the event that the City Clerk determines that a submitted application is not complete, the City Clerk shall notify the applicant within ten (10) business days that the application is not complete and shall inform the applicant of the additional information required to process the application.

Section 15.05 License Expiration and Renewal

A. Each local license issued shall be effective for one year from the date of issuance.

B. Renewal applications must be submitted thirty days prior to the date of expiration of the annual local license. An application for the renewal of an expired license shall be reviewed by the Code Enforcement Officer, Fire Chief, Police Chief, and City Clerk. The renewal may be approved by city staff if the applicant is deemed to be in good standing with the articles of this ordinance and all other applicable local and state ordinances and licensing requirements. The applicant for renewal may be elevated to review by the City Council if any member of staff deems it needs additional review.

Section 15.06 Denial, Suspension, or Revocation of License

A. In addition to the provisions set forth in Section 18.05 of this chapter, the following applies:

a. A local license under this article shall be denied to the following persons:

i. A person who fails to meet the requirements of this article. Where an applicant is an entity rather than a natural person, all-natural persons with an ownership interest must meet these requirements.

ii. An applicant who is not at least twenty-one years of age

iii. A person who has had a license for a marijuana establishment revoked by the City or by the State

iv. An applicant who has not acquired all necessary state approvals and other required local approvals prior to the issuance of a local license.

v. An applicant who has been convicted of a criminal violation arising out of operation of a Marijuana Establishment.

b. The City may suspend or revoke a license for any violation of this section or any other applicable building-related and life safety code requirements. The city may suspend or revoke a license if the licensee has a State license for a marijuana establishment suspended or revoked by the State. The licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

Section 15.07 Operating requirements

The licensee shall comply with all of the following requirements during the term of the Local License:

A. Display of License. The current local license shall be displayed at all times in a conspicuous location within the license premises.

B. Location. All licensed premises shall be permanent locations. Licensees shall not be permitted to operate a marijuana establishment in a temporary location.

C. Compliance with other laws. A marijuana establishment shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing marijuana establishments, the stricter law or regulation shall control.

Section 15.08 Transfer of ownership and change of location

Licenses issued under this Article are not transferable to a new owner. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new local license for that location.

Section 15.09 Appeals

A. Any appeal of a decision under the provisions of this Section shall be made to the City Council. The City Council shall conduct a de novo hearing in which it will hear evidence on the application and make its own findings of fact and conclusions of law on the issue of whether the application meets the requirements of this Article.

B. Any appeal of a decision of the City Council shall be to the Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

Section 15.10 Violations and Penalties

The operation of any marijuana establishment without the required local license or in violation of the requirements of this article shall be a violation of this article. Violations shall be subject to fines as set forth in this section. Each day of violation shall constitute a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this article. In any court action, the City may seek injunctive relief in addition to penalties. The City shall be entitled to recover its costs of enforcement, including its attorney's fees.

Section 15.11 Severability

The provisions of this article are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

Section 15.12 Other Laws

Except as otherwise specifically provided herein, this article incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S. § Chapter I, as may be amended. In the event of a conflict between the provisions of this article and the provisions of the Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

Madame Chair Eosco asked for a motion to put the ordinance on the floor for discussion.

Councilor Bauer made the motion and it was seconded by Councilor Bailey.

Ben Averill, City Planner, stated that this was an amendment to Article 5 of the City code which deals with licensing and if Council decided to go through with it, this would be enacting local licensing to go with the land use component. Mr. Averill continued that local license and state license would be required except for medical marijuana store fronts. State statutes chose not to define this but we are defining it in our land use code and licensing component. A new license would be reviewed by Council for approval and staff would, initially, handle it. A renewal would be similar to a liquor license application, where it would be reviewed and approved by police, fire, codes and the clerk. Restrictions of licensing and or fees, could be determined by the Council. Before the meeting, Mr. Averill had distributed fee schedules from other towns to the Council for comparisons. Mr. Averill stated that Council could limit establishments,

the number of licenses issued and proposing the fee schedule. City Solicitor, Roger Therriault, stated that fees are generally put in place by resolution.

Councilor Bailey proposed an amendment but withdrew her proposal.

Councilor Leonard proposed an amendment on the first page of Article 5, Section 15.02, **Licensing Procedures** under, (A). To change the wording to: **(a)** " the initial application for a marijuana establishment license shall be processed by the City Clerk and considered by the City Council for approval".

Madame Chair Eosco if there was a second to the amendment.

Councilor Bauer seconded the amendment.

All were in favor of the amendment.

VOTE ON THE AMENDMENT:

YEAS: 7
NAYS: 0

Councilor Leonard proposed an amendment to Article 5 15.06, **Denial, Suspension, or Revocation of License**, under (A) Item 3, "a person who has had a license revoked by "any" City or by the State.

Madame Chair Eosco asked if there was a second to the amendment.

Councilor Bailey seconded the amendment.

Madame Chair Eosco asked for all those in favor to change the wording.

VOTE ON THE AMENDMENT:

YEAS: 2
NAYS: 5

Madame Chair Eosco asked if there were any comments from the public and there were none. Madame Chair Eosco asked if there were any final Council thoughts.

Councilor Ambrosino talked about the safety of people and the fairness to other businesses when taking these ordinances into consideration.

Madame Chair Eosco asked for any final comments before a roll call vote on the first passage and there were none.

ROLL CALL VOTE:

Councilor Ambrosino, Councilor Bauer, Councilor Comeau, Councilor Leonard, Councilor Nordmann, Councilor Paulhus and Councilor Bailey

YEAS: 7
NAYS: 0

Passed Unanimously.

Second passage will be at 6:01 p.m. on October 2, 2019

6) ORDINANCE: Contract Approval for Police Department, (first passage)

Madame Chair Eosco read the following ordinance:

ORDINANCE APPROVING POLICE CONTRACT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT, PURSUANT TO THE REQUIREMENTS OF §1102 OF THE CHARTER OF THE CITY OF BATH, THE BARGAINING AGREEMENT BY AND BETWEEN THE CITY OF BATH AND THE MAINE ASSOCIATION OF POLICE, REPRESENTING THE UNIT MEMBERS OF THE BATH POLICE DEPARTMENT, FOR THE PERIOD BEGINNING JULY 1, 2019 AND RUNNING THROUGH JUNE 30, 2022, A COPY OF WHICH IS ATTACHED HERETO, BE AND HEREBY IS APPROVED, AND THE CITY MANAGER IS AUTHORIZED TO EXECUTE SAID CONTRACT ON BEHALF OF THE CITY OF BATH.

Madame Chair Eosco asked if there was a motion to put the ordinance on the floor for discussion.

Councilor Ambrosino made the motion and it was seconded by Councilor Bailey.

Peter Owen, City Manager, stated that this contract was discussed at executive session last month. The cost of living increase basically mirrors the contract of public works.

Madame Chair Eosco asked if anyone had any questions about the contract or if there were any final Council comments.

ROLL CALL VOTE:

Councilor Bailey, Councilor Paulhus, Councilor Nordmann, Councilor Leonard, Councilor Comeau, Councilor Bauer and Councilor Ambrosino

YEAS: 7
NAYS: 0

Passed Unanimously.

Second passage will be at 6:02 p.m. on October 2, 2019

7) ORDINANCE: Chapter 13, Refuse Article 3. Mandatory Curbside Pickup, (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 13. REFUSE

ARTICLE 1. GARBAGE AND REFUSE

Section 13-1. Definitions.

Amend as follows:

...

(10) Household Refuse shall include that refuse commonly generated by usual residential domestic activities and excludes material defined as demolition and construction debris, furniture, white goods, tires, abandoned automobiles, and any other items that cannot completely fit into the officially designated PAYT bag. Household refuse shall specifically exclude refuse generated at properties with more than six (6)~~two (2)~~ dwelling units on them (excluding condominiums)~~, as well as refuse generated by bed and breakfast establishments and dwellings with Class B home occupation uses~~. Such refuse from these units shall be considered commercial for purposes of collection and shall not be collected as residential household refuse.

...

ARTICLE 3. MANDATORY CURBSIDE PICKUP

Section 13-42. Mandatory curbside pickup established.

Amend as follows:

The City of Bath, either through its own offices and employees, or by virtue of contract(s) with Private refuse collection contractor(s), or any combination thereof, shall provide for the curbside pickup of all household refuse within the City of Bath as that term is defined in Section 13-1(10), and specifically excluding refuse generated at properties with more than ~~two (2)~~six (6) dwelling units on them.

Section 13-43. Collection requirements.

Amend as follows:

...

(2) Weight, Number. The weight limit of each individual officially designated bag will be 60 pounds. Each residential unit is permitted to set out for collection up to ~~6~~4 containers per week or collection period.

...

(7) Pay-as-you-throw Program.

...

Fees for purchase of each officially designated bag are initially established as follows:
15 gallon bag ~~$1.25~~$1.50 each bag
30 gallon bag ~~$2.00~~$2.25 each bag
These fees may be adjusted by Resolution of the City Council.

...

Add a new Section as follows:

Section 13-44. Collection Limits.

Curbside collection of residential waste and recycling materials will not be performed on:

Front Street – Vine Street to Summer Street
Centre Street – Washington Street to Front Street

Madame Chair Eosco asked for a motion to put the ordinance on the floor for discussion.

Councilor Bauer made the motion and it was seconded by Councilor Ambrosino.

Lee Leiner, Director of Public Works stated that this ordinance would be for four changes to the solid waste ordinance and that these changes were researched by the Solid Waste Advisory Committee. The committee recommends an expansion from one and two units to six. The number of bags reduced from six bags to four. Also, a 25 cent increase per bag for the 15 and 30 gallon bags and a change for collection in the downtown area.

Councilor Bauer talked about the landfill closure and the cost of it. Increasing the fees for trash disposal may help delay the closure with residents using less bags and taking advantage of the Garbage to Garbage composting stations that are provided by the City of Bath and are free for Bath residents to use.

Brook Vail, who serves on the Solid Waste Advisory Committee (SWAC), spoke and was excited to announce that there's a new student committee working on recycling and composting with the school district.

George Sprague of 14 Park Street, and another member of SWAC, agreed that education about trash, recycling, composting and what we are going to do with it, as a City, is very important.

Councilor Leonard added that she's concerned about the elderly and low income families that are already struggling. Councilor Paulhus suggested incremental increases over time to ease into the recommended increases.

Councilor Paulhus proposed an amendment and withdrew his amendment.

Councilor Leonard proposed an amendment for a 10 cent increase as of January 1, 2020 and 15 cent increase January 1, 2021 for the 15 and 30 gallon bags.

Councilor Nordmann seconded the amendment.

Madame Chair Eosco asked if the public or Council had any comments on the amendment of the ordinance.

VOTE ON THE AMENDMENT:

YEAS: 4
NAYS: 3

Madame Chair Eosco asked if the public or Council had any comments on the first passage of the ordinance.

ROLL CALL VOTE:

Councilor Ambrosino, Councilor Bauer, Councilor Comeau, Councilor Leonard, Councilor Nordmann, Councilor Paulhus and Councilor Bailey.

YEAS: 7
NAYS: 0

Second passage will be at 6:03 p.m. on October 2, 2019

Passed Unanimously.

8) ORDER: For Public Hearing and Notice of Public Hearing, Charter Amendment

Madame Chair Eosco read the following order.

ORDER

BE IT HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF BATH, THAT THE SAID CITY COUNCIL, BEING THE MUNICIPAL OFFICERS OF SAID CITY, HAVING HELD A PUBLIC HEARING ON A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF BATH, AND HAVING FURTHER DETERMINED THAT THE ELECTORATE SHOULD BE GIVEN THE OPPORTUNITY TO VOTE ON THE PROPOSED AMENDMENT, DO HEREBY ORDER THAT THE AMENDMENT, IN SUBSTANTIALLY THE FORM ATTACHED TO THIS ORDER, BE PLACED ON A BALLOT FOR THE NEXT REGULAR MUNICIPAL ELECTION, BEING THE MUNICIPAL

ELECTION SCHEDULED FOR NOVEMBER 5, 2019, SAID ELECTION DATE BEING MORE THAN THIRTY (30) DAYS FROM THE DATE OF PASSAGE OF THIS ORDER.

CHARTER AMENDMENT – QUESTION 1

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

[ ]YES [ ]NO

SUMMARY: This proposed Charter amendment allows the City Council, upon affirmative vote of six (6) of its members, to waive the five (5) year limitation on contracts involving payment of money out of appropriations of more than one (1) year.

AMEND AS FOLLOWS:

Chapter XI, General Provisions, Sec. 1102

Sec. 1102. Contracts Extending Beyond 1 Year.

No contract involving the payment of money out of the appropriations of more than one (1) year, (other than contract in which rates are subject to approval of the Public Utilities Commission) shall be made for a period of more than five (5) years; nor shall any such contract be valid unless made or approved by ordinance. <u>The five (5) year term limit on contracts involving payment of money out of appropriations of more than one (1) year may be waived by affirmative vote of the majority of the entire City Council (six (6) votes).</u>

Madame Chair Eosco stated that this Charter Amendment is to waive the five year limitation on contracts.

Madame Chair Eosco asked for a motion to put the amendment on the floor for discussion.

Councilor Bailey made the motion and it was seconded by Councilor Comeau.

Madame Chair Eosco requested that the September 18th meeting for Charter Amendment public hearing, begin at 6:15 p.m.

Madame Chair Eosco asked for motion for the amendment time change of the meeting from 6:00 p.m. to 6:15 p.m.

Councilor Comeau made the motion and seconded by Councilor Leonard.

All were in favor of the amendment for the time change.

Marc Meyers, Assistant City Manager, stated that the City Manager's Office has been working with ReVision Energy regarding a power purchase agreement to offset electricity costs for city facilities, reduce carbon pollution and to allow the city to purchase power at a lower rate. The city would not own the solar array and there would not be any "up front" costs with it. The proposed contract is for twenty-

five (25) years but the Charter reads that contracts can be no more than five (5) years when involving payment of money and appropriations for more than one year. After speaking with Roger Therriault, City Solicitor, a Charter Amendment appeared to be the only way to continue with the solar project. A majority vote tonight will allow the Charter Amendment to go to a public hearing on September 18th and with a Council vote of six of its members to be on the ballot in November for citizens to vote on.

Madame Chair Eosco asked if there were any questions about this and there were none.

Councilor Leonard made the motion to vote on the order and it was seconded by Councilor Ambrosino.

All were in favor of the order.

VOTE:

YEAS: 7
NAYS: 0

9) ORDER: To Discuss Sale of Property at 26 Summer Street

Madame Chair Eosco moved Item 9 to the end of the meeting in which discussion on this order would be made in executive session.

G. Petitions & Communications: 8:46 PM

Madame Chair Eosco announced that it was Childhood Cancer Awareness month which has been proclaimed for the month of September by the City of Bath.

H. City Manager's Report: 8:47 PM

Peter Owen, City Manager, reported that on September 18th, there will be a Special Events Workshop. Mr. Owen, also, mentioned that Officer, John Dietlin, recently saved someone from committing suicide and kept this person alive until EMS arrived.

I. Committee Reports: 8:49 PM

Councilor Bailey reported on the Community Development Committee and that they were reviewing data on Airbnb's. The committee is requesting one more member. On the Transportation Committee, Councilor Bailey said that the police have been very responsive with more surveillance and with moving the solar speed limit sign around the area. They've talked a lot about school safety, encouraging people to slow down, to watch out for buses and the crosswalks.

Councilor Ambrosino reported that the Forestry Committee had its annual dinner at one of their member's houses and discussed the year end projects and what they will accomplish going forward.

Councilor Bauer reported that the Patten Free Library Board does not meet in the summer. The library will, now, be open on Monday's, 12:00 p.m. to 8:00 p.m.

J. Unfinished Business: 8:51 PM

L. New Business: 8:52 PM

Items 10 – 13 were voted as a slate.
The re-appointments were for Robert Oxton, Planning Board, John Sunderland, Planning Board, William Truesdell, Zoning Board of Appeals and David Hudson, Old Bath Customs House. Councilor Bailey pointed out that they were all in good standing.

Councilor Bauer made the motion to approve the re-appointments and were seconded by Councilor Paulhus.

All were in favor of the re-appointments.

Items 14 - 18 were voted as a slate.
Appointments were for Deborah Goodwin, Forestry Committee, Anne Dunham, Old Bath Customs House, Joel Austin, Zoning Board of Appeals, Martin Lakeman, Assessment Review Board, Robert McChesney, Bicycle and Pedestrian Committee

Madame Chair Eosco asked for any other nominations for these positions.

All were in favor of the appointments.

M. Councilor Announcements: 8:55 PM

Madame Chair Eosco requested that the Council skip Councilor Announcements this evening.

Councilor Paulhus made a motion to extend the meeting past 9:00 p.m. and it was seconded by Councilor Bailey

All were in favor meeting beyond 9:00 p.m.

Madame Chair Eosco introduced the order for 26 Summer Street but Roger Therriault, City Solicitor recommended that she read the order after the executive session.

Madame Chair Eosco asked for a motion to go into executive session.

Councilor Ambrosino made the motion and it was seconded by Councilor Bailey.

All were in favor of going into executive session.

VOTE:

YEAS: 7
NAYS: 0

Executive Session began at 9:01 p.m.

Councilor Comeau made the motion to end the executive session and it was seconded by Councilor Bailey.

All were in favor of ending the executive session at 9:10 p.m.

VOTE:

YEAS: 7
NAYS 0

Meeting began, immediately, afterwards.

Madame Chair Eosco read the order for 26 Summer Street.

ORDER APPROVING BID FOR SALE OF

26 SUMMER STREET

WHEREAS, the City of Bath has advertised for bids for the purchase of premises at 26 Summer Street, otherwise known as the "Old YMCA Property"; and

WHEREAS, one bid has been received from The Szanton Company; and

WHEREAS, the offer to purchase is in the alternative with a Bid A and a Bid B.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Bath that Bid B of The Szanton Company be and hereby is accepted at a purchase price of $215,000.00. All other terms and conditions of sale shall be in accordance with a Purchase and Sale Agreement to be entered into between the parties, with terms and conditions acceptable to the City through the City Manager. The City Manager is hereby authorized on behalf of the City of Bath to execute the Purchase and Sale Agreement and such other documents as may be necessary, appropriate or convenient to consummate the sale.

Madame Chair Eosco asked for a motion to put the order on the floor for discussion. Councilor Bauer made the motion and it was seconded by Councilor Bailey.

Marc Meyers, Assistant City Manager, stated that in July, the order was approved for sealed bids for 26 Summer Street. The City received two bids for the property on August 23rd. The City Manager's Office is recommending that the bid for $215,000.00 from the Szanton Company be accepted. The Szanton Company has proposed to build 45 high quality apartments that would be affordable to all income levels over the age of 54. This property has been vacant since the old YMCA was demolished in 2012 and tonight's vote is for approving the bid for 26 Summer Street.

Nathan Szanton from the Szanton Company stated if the bid is approved tonight, the company will be looking into plans for housing where the head of household is 54 years old or older. People in this age category have fewer cars, the financing works better with the 55 plus because the housing development can be smaller and, therefore, more apartments can be built. Councilors had concerns with the age restrictions for housing and Mr. Szanton said all considerations would be taken into account and that nothing was set in stone yet.

Madame Chair Eosco asked if there were any comments from the public or final Council comments.

All were in favor, except Councilor Nordmann because of his appointed position as commissioner with Bath Housing Authority.

VOTE:

YEAS: 6
NAYS: 0

Madame Chair Eosco asked for a motion to adjourn the meeting.

Councilor Bailey made the motion and it was seconded by Councilor Bauer.

Attest:

Mary C. Howe

Mary C. Howe

City Clerk

Please note: These minutes are not recorded verbatim. A DVD recording of the meeting is available for review, by appointment, in the City Clerk's office during regular business hours or by going to http://www.cityofbath.com/BCTV/ and clicking on BCTV on Demand.

D*8

WORKSHOP MEETING MINUTES
Bath City Council
Wednesday, September 18, 2019 6:15 PM
Council Chambers
Bath City Hall

Councilors Present: Councilors Bailey, Nordmann, Leonard, Comeau, Bauer, Park, Ambrosino and Madame Chair Eosco
Councilor Paulhus was excused.

Also, in attendance, were the City Manager, Peter Owen, City Solicitor, Roger Therriault and City Clerk, Mary C. Howe

I. Public Hearing on a proposed amendment to the Charter of the City of Bath

At 6:15 p.m., Madame Chair Eosco opened the public hearing for the proposed amendment of the City of Bath's Charter to the public for comments and there were none. She closed the public hearing @ 6:16 p.m.

Marc Meyers, Assistant City Manager, stated that the agreement with ReVision Energy, on a solar energy power purchase to offset electricity costs and reduce carbon pollution, would require a twenty-five (25) year contract agreement with the City. As the Charter reads now, provisions say that no contract shall be longer than five (5) years. The Charter Amendment would waive the five (5) year limitation with the majority of the Council's vote. Roger Therriault, City Solicitor, stated that the amendment could be beneficial for anything in the future, not just with ReVision Energy and it would give the ability to extend contracts beyond the five (5) year restriction that currently exists. This Charter amendment will give the Council the option to enter into this agreement.

Madame Chair Eosco asked for a motion for this amendment to be put on the ballot in November.

Councilor Bauer made the motion and it was seconded by Councilor Bailey.

VOTE ON AMENDING THE CHARTER:

YEAS: 7
NAYS: 0

All were in favor of the amending the Charter.

Madame Chair Eosco asked for a motion to adjourn the meeting and go into the workshop.

Councilor Park made the motion and it was seconded by Councilor Bailey.

All were in favor to go into the workshop.

Meeting adjourned at 6:35 p.m.

Workshop adjourned at 7:03 p.m.

Attest:

Mary C. Howe

City Clerk

Please note: These minutes are not recorded verbatim. A DVD recording of the meeting is available for review, by appointment, in the City Clerk's office during regular business hours or by going to http://www.cityofbath.com/BCTV/ and clicking on BCTV on Demand.

F9

ORDER

In City Council
October 2, 2019

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 (Wards, 1 - 7 inclusive), on Tuesday, November 5, 2019 for the purpose of determining the following:

STATE REFERENDUM ELECTION – NOVEMBER 5, 2019

Question 1: Bond Issue

An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities

Public Law Chapter 532 (attached)

Do you favor a $105,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments, to be used to match an estimated $137,000,000 in federal and other funds?

Question 2: Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Alternative Signatures Made by Persons with Disabilities

Constitutional Resolution Chapter 1 (attached)

Do you favor amending the Constitution of Maine to allow persons with disabilities to sign petitions in an alternative manner as authorized by the Legislature?

Absentee Ballots shall be processed Election Day, 8:00 a.m. to 8:00 p.m.

The polls shall be opened at 8:00 a.m. and close at 8:00 p.m.

State of Maine
Notice of Referendum Election
Tuesday, November 5, 2019

Municipality **BATH** **Voting District** **WARDS, 1 - 7**

Voting Place Name **BATH MIDDLE SCHOOL** **Voting Place Location**
6 OLD BRUNSWICK ROAD, BATH, MAINE

Polls Open at **8:00** **A.M.** **Polls Close at** **8:00** **P.M.**

Absentee Ballot Processing (check all that apply):

Processed by: ■ Municipal Clerk (At Polls and Election Clerks) ☐ Warden (At polls)

Date/Time of Processing:

■ **During** Election Day (11/5/2019) Processing Time(s): **8:00 A.M. TO 8:00 P.M.**

☐ **Only** after 8 p.m. on Election Day (11/5/2019)

Questions to be voted on:

Question 1: Bond Issue

An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities

Public Law Chapter 532

Do you favor a $105,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments, to be used to match an estimated $137,000,000 in federal and other funds?

Question 2: Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Alternative Signatures Made by Persons with Disabilities

Constitutional Resolution Chapter 1

Do you favor amending the Constitution of Maine to allow persons with disabilities to sign petitions in an alternative manner as authorized by the Legislature?

A True Copy Attested _____ Date _____
(Signature of Municipal Clerk)

APPROVED
AUGUST 30, 2019
BY GOVERNOR

CHAPTER
532
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 634 - L.D. 1850

An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding $105,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

TRANSPORTATION, DEPARTMENT OF

Provides funds to construct, reconstruct, rehabilitate and preserve Priority 1, Priority 2 and Priority 3 state highways under the Maine Revised Statutes, Title 23, section 73, subsection 7 and associated improvements, to replace and rehabilitate bridges and to fund the municipal partnership initiative.

Total $85,000,000

Provides funds for facilities or equipment related to freight and passenger railroads, transit, ports, marine transportation, aviation and bicycle and pedestrian improvements that preserve public safety or otherwise have demonstrated high transportation value including property acquisition.

Total $15,000,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Provides funds for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and increase community safety. Eligible project sponsors include local governments, municipal conservation commissions, soil and water conservation districts and private nonprofit organizations. A proposal for funding from an eligible project sponsor must include a map and summary of the proposed project, describing how it meets the following criteria:

1. Contribution to competitive grant program goals. The extent to which the proposed project allows communities to more effectively prepare for storm and flood events and advances the goals of restoring habitat for fish, including sea-run fish and native brook trout; and

2. Cost-effectiveness. The extent to which the proposed project represents an efficient and cost-effective investment, including the proportion of total project funding that will be provided from other sources and the potential avoided costs associated with the proposed project. Funds may not be used to cover all of the costs associated with a proposed project.

Total $4,000,000

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Provides funds for the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland to bring the wharf back into operation as secured access and berthing for commercial fishing vessels and to support vessels for marine research at sea that supports continued long-term marine job development.

Total	$1,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

> "Do you favor a $105,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments, to be used to match an estimated $137,000,000 in federal and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the

Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

JUNE 18, 2019

PASSED BY LEGISLATURE FOR APPROVAL AT REFERENDUM

CHAPTER

1

CONSTITUTIONAL RESOLUTION

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1049 - L.D. 1437

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Alternative Signatures Made by Persons with Disabilities

Constitutional amendment. Resolved: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

Constitution, Art. IV, Pt. Third, §20 is amended to read:

Section 20. Meaning of words "electors," "people," "recess of Legislature," "statewide election," "measure," "circulator," and "written petition"; written petitions for people's veto; written petitions for direct initiative. As used in any of the 3 preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "statewide election" means any election held throughout the State on a particular day; "measure" means an Act, bill, resolve or resolution proposed by the people, or 2 or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of the city, town or plantation of the circulator's residence as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners, <u>or, as authorized by law, the alternative signatures of persons with physical disabilities that prevent them from signing their own names,</u> attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list or to certify signatures on petitions for voters on the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of the city, town or plantation of the official as qualified to vote for Governor. The oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths. Written petitions for a people's veto

pursuant to Article IV, Part Third, Section 17 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed in the office of the Secretary of State, or, if such 5th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Written petitions for a direct initiative pursuant to Article IV, Part Third, Section 18 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 10th day before the petition must be filed in the office of the Secretary of State, or, if such 10th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Such officials must complete the certification of only those petitions submitted by these deadlines and must return them to the circulators or their agents within 2 days for a petition for a people's veto and within 5 days for a petition for a direct initiative, Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were submitted to them. Signatures on petitions not submitted to the appropriate local or state officials by these deadlines may not be certified. The petition shall set forth the full text of the measure requested or proposed. Petition forms shall be furnished or approved by the Secretary of State upon written application signed and notarized and submitted to the office of the Secretary of State by a resident of this State whose name must appear on the voting list of the city, town or plantation of that resident as qualified to vote for Governor. The full text of a measure submitted to a vote of the people under the provisions of the Constitution need not be printed on the official ballots, but, until otherwise provided by the Legislature, the Secretary of State shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election held in the month of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

> "Do you favor amending the Constitution of Maine to allow persons with disabilities to sign petitions in an alternative manner as authorized by the Legislature?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If it appears that a majority of the legal votes are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution of Maine on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.

F10

ORDER

In the City Council

October 2, 2019

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 Candidates Election for Wards 5, 7, At Large (Wards, 1,2,3,4,6), and Charter Amendment will be held at the Bath Middle School, 6 Old Brunswick Road, on Tuesday the 5th day of November, in the year of our Lord Two Thousand Nineteen, 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 FIVE	ONE TO BE ELECTED FOR A THREE YEAR TERM
WARD SEVEN	ONE TO BE ELECTED FOR A THREE YEAR TERM
AT LARGE	ONE TO BE ELECTED FOR A THREE YEAR TERM
(INCLUDES ALL WARDS)	

ELECTION ALSO INCLUDES:

CHARTER AMENDMENT – QUESTION ONE

SUMMARY:

This proposed Charter amendment allows the City Council, upon affirmative vote of six (6) of its members, to waive the five (5) year limitation on contracts involving payment of money out of appropriations of more than one (1) year.

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 A MUNICIPAL ELECTION FOR WARD 5, 7 AND AT LARGE (Wards 1,2,3,4,6) AND FOR A CHARTER AMENDMENT

Tuesday, November 5, 2019

Municipality of Bath — Voting Districts: Wards, 1 - 7

GREETINGS: Citizens of Bath, Maine
Be it Hereby notified to the Inhabitants of Ward 5, 7 and At Large (Wards 1,2,3,4,6) in the City of Bath, qualified to vote, that the Municipal Election will be held at the Bath Middle School, 6 Old Brunswick Road on the 5th day of November, in the Year of our Lord Two Thousand Nineteen, at 8 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their Ward for:

WARD 5, 7 and At Large (Wards 1,2,3,4,6) City Councilors to be Elected and for a Charter Amendment:

All to be elected for a term ending the first Wednesday in December 2022.

Voting Place Name and Location:
Bath Middle School Cafeteria 6 Old Brunswick Road

Polls Open at 8:00 a.m. Polls Close at 8:00 p.m.

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

Pursuant to Title 21-A, Section 759(7), absentee ballots will be processed at the Bath Middle School at the following times: 8:00 a.m., and 8:00 p.m.

Approved by vote of the City Council in a public meeting, Wednesday, October 2, 2019.

_____
Mari H. Eosco, Council Chair

Phyllis Bailey	Sean Paulhus
Terry Nordmann	Raye Leonard
David Comeau	Susan Bauer
Aaron Park	Julie Ambrosino

Attest:_____ Date:_____
Mary C. Howe, City Clerk

SAMPLE BALLOT
CITY OF BATH
MUNICIPAL ELECTION
NOVEMBER 5, 2019
WARD 5

Instructions to Voters

- To vote for your choice, fill in the oval to the left like this: ●.
- To have your vote count, do not erase or cross out your choice.
- If you make a mistake, ask for a new ballot.

CITY COUNCILOR AT LARGE 3 YEAR TERM VOTE FOR ONE	CITY COUNCILOR WARD 5 3 YEAR TERM VOTE FOR ONE
○ Mari Huotari Eosco 1016 Washington Street	○ Jennifer Lynn DeChant 1008 Middle Street
○ _____Write-in	○ _____Write-in

Sample Ballot
City of Bath
November 5, 2019
Regional School Unit #1
School Board of Directors Election

Instructions to Voters

- Please indicate your choice of candidate by filling in the oval to the left of the candidate's name.
- To vote for a person whose name is not printed on the the ballot, write the candidate's name and municipality of residence on the line provided AND fill in the oval to the left of the candidate's name.

RSU1 Regional School Board of Directors Member - Unrestricted-Residence position Three Year Term Vote for One (1)	RSU1 Regional School Board of Directors Member - Arrowsic Municipal-Residence position Three Year Term Vote for One (1)
○ RYAN, Lorna - Woolwich	○ BROWN, Anita - Arrowsic
○ WALTON, Alan - Bath	○ _____Write-in
○ _____Write-in	

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SAMPLE

SAMPLE BALLOT
CITY OF BATH
MUNICIPAL ELECTION
NOVEMBER 5, 2019
WARD 7

Instructions to Voters

- To vote for your choice, fill in the oval to the left like this: ●.
- To have your vote count, do not erase or cross out your choice.
- If you make a mistake, ask for a new ballot.

CITY COUNCILOR AT LARGE 3 YEAR TERM VOTE FOR ONE	CITY COUNCILOR WARD 7 3 YEAR TERM VOTE FOR ONE
○ Mari Huotari Eosco 1016 Washington Street	○ Aaron Park 24 Park Street
○ _____Write-in	○ _____Write-in

Sample Ballot
City of Bath
November 5, 2019
Regional School Unit #1
School Board of Directors Election

Instructions to Voters

- Please indicate your choice of candidate by filling in the oval to the left of the candidate's name.
- To vote for a person whose name is not printed on the the ballot, write the candidate's name and municipality of residence on the line provided AND fill in the oval to the left of the candidate's name.

RSU1 Regional School Board of Directors Member - Unrestricted-Residence position Three Year Term Vote for One (1)	RSU1 Regional School Board of Directors Member - Arrowsic Municipal-Residence position Three Year Term Vote for One (1)
○ RYAN, Lorna - Woolwich	○ BROWN, Anita - Arrowsic
○ WALTON, Alan - Bath	○ _____Write-in
○ _____Write-in	

SAMPLE

SAMPLE BALLOT
CITY OF BATH
MUNICIPAL ELECTION
NOVEMBER 5, 2019
WARDS 1, 2, 3, 4, 6

Instructions to Voters

- To vote for your choice, fill in the oval to the left like this: ⬬.
- To have your vote count, do not erase or cross out your choice.
- If you make a mistake, ask for a new ballot.

CITY COUNCILOR AT LARGE
3 YEAR TERM
VOTE FOR ONE

○ Mari Huotari Eosco
1016 Washington Street

○ _____Write-in

Sample Ballot
City of Bath
November 5, 2019
Regional School Unit #1
School Board of Directors Election

Instructions to Voters

- Please indicate your choice of candidate by filling in the oval to the left of the candidate's name.
- To vote for a person whose name is not printed on the the ballot, write the candidate's name and municipality of residence on the line provided AND fill in the oval to the left of the candidate's name.

RSU1 Regional School Board of Directors Member - Unrestricted-Residence position
Three Year Term
Vote for One (1)

○ RYAN, Lorna - Woolwich

○ WALTON, Alan - Bath

○ _____Write-in

RSU1 Regional School Board of Directors Member - Arrowsic Municipal-Residence position
Three Year Term
Vote for One (1)

○ BROWN, Anita - Arrowsic

○ _____Write-in

Typ.02 Seq:0001 Spl:01

SAMPLE

OFFICIAL BALLOT

CITY OF BATH

TUESDAY, NOVEMBER 5, 2019

CHARTER AMENDMENT – QUESTION 1

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

[ ] YES [ ] NO

SUMMARY: This proposed Charter amendment allows the City Council, upon affirmative vote of six (6) of its members, to waive the five (5) year limitation on contracts involving payment of money out of appropriations of more than one (1) year.

AMEND AS FOLLOWS:

Chapter XI, General Provisions, Sec. 1102

Sec. 1102. Contracts Extending Beyond 1 Year.

No contract involving the payment of money out of the appropriations of more than one (1) year, (other than contract in which rates are subject to approval of the Public Utilities Commission) shall be made for a period of more than five (5) years; nor shall any such contract be valid unless made or approved by ordinance. <u>The five (5) year term limit on contracts involving payment of money out of appropriations of more than one (1) year may be waived by affirmative vote of the majority of the entire City Council (six (6) votes).</u>

SAMPLE

F11

ORDER

In the City Council

October 2, 2019

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 RSU 1, Board of Directors Election will be held at the Bath Middle School, 6 Old Brunswick Road, on Tuesday the 5th day of November, in the year of our Lord Two Thousand Nineteen, at 8 O'clock in the forenoon, then and there, to cast their votes at the Municipal Election in their respective Wards for:

ELECTION:

RSU 1, BOARD OF DIRECTORS:

RSU1 Regional School Board of Directors Member – Unrestricted-Residence position
Three Year Term

RSU1 Regional School Board of Directors Member –
Arrowsic Municipal-Residence position
Three Year Term

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 5, 2019

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 5, 2019, at 8:00 o'clock in the forenoon, then and there, to cast their votes for:

Board of Directors for RSU1:

One (1) Unrestricted-Residence Positions for a three-year term
One (1) Arrowsic Municipal-Residence Position for a two-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 Middle School polling place, Election Day November 5th 2019.

Approved by vote of the City Council in a public meeting. Wednesday, October 2, 2019

_____
Mari H. Eosco, Council Chair

Phyllis Bailey	Sean Paulhus
Terry Nordmann	Raye Leonard
David Comeau	Susan Bauer
Aaron Park	Julie Ambrosino

Attested: _____ Date: _____
Mary C. Howe, City Clerk

F12

ORDER

In the City Council
October 2, 2019

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 8:30 a.m. to 4:30 p.m. Monday through Friday and on Wednesday, October 23, 2019 from 5:00 p.m. to 7:00 p.m. for Absentee Voting and Voter Registration, prior to the State Referendum/Municipal Election/RSU 1, Board of Directors' Election to be held Tuesday, November 5, 2019, at the City Clerk's Office, 55 Front Street.

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

F13

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 24, 2019

To: City Council Members

From: Juli Millett, Finance Director

CC: Peter H. Owen, City Manager

Re: TIF Budget Approval

BIW TIF Budget 2020 – The BIW TIF budget for FY 2020 is $1,569,793. This amount has decreased from the prior year. Besides the debt service paid for by the TIF, Economic Development Salaries and projects and contributions to Main Street Bath, Projects being budgeted for this year include: downtown street lights, train station capital projects, Commercial Street sidewalk engineering and construction, Elm Street Plaza Construction, Route 1 barrier, Downton Façade program, and Electronic Charging Station.

WINGFARM TIF Budget 2020 – The WINGFARM TIF budget for FY2020 is $125,359. The budget includes a partial payment on the street bond, and an allocation to Public Works for road maintenance. Part of the Public Works allocation will be paid with the previous year's surplus.

DOWNTOWN TIF Budget 2020 – The Downtown TIF budget for FY 2020 is $99,259 and is allocated to pay the debt service payment.

ORDER
APPROVING AUTHORIZATION
BIW TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2019)

Be It Hereby Ordered By the City Council of the City of Bath that one million seven hundred thirty-seven thousand two hundred fifty-nine and 00/100 ($1,737,259) 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, 2018 and terminating on June 30, 2019 for the following purposes:

TIF REVENUE	
INCREMENT	$1,739,804
TOTAL REVENUE	**$1,739,804**
EXPENSES	
DEBT SERVICE	$849,259
CONTRIBUTION TO BATH LOCAL DEVELOPMENT CORPORATION	$172,800
CONTRIBUTION TO MAIN STREET BATH	$32,500
ECONOMIC DEVELOPMENT PROJECTS ACCOUNT	$668,500
TRAIN STATION/TROLLEY FUNDING-TRANSFER	$14,200
TOTAL	**$1,737,259**
SURPLUS	**$2,545**

ORDER
APPROVING AUTHORIZATION
WING FARM TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2019)

Be It Hereby Ordered By the City Council of the City of Bath that one hundred nineteen thousand six hundred ninety-eight and 00/100 ($119,698) 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, 2018 and terminating on June 30, 2019 for the following purposes:

REVENUE	
INCREMENT	$108,215
TOTAL REVENUE	**$108,215**
EXPENSES	
PUBLIC WORKS ALLOC**	$11,483
STREET BOND DEBT PAYMENT	$41,698
PUBLIC WORKS ALLOC	$66,517
TOTAL EXPENSES	**$119,698**
SURPLUS	
	$(11,483)

**From previous year's surplus

ORDER
APPROVING AUTHORIZATION
DOWNTOWN TAX INCREMENT FINANCING DISTRICT BUDGET (FY 2019)

Be It Hereby Ordered By the City Council of the City of Bath that one hundred four thousand six hundred fifty-eight dollars and 00/100 ($104,658) 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, 2018 and terminating on June 30, 2019 for the following purposes:

REVENUE	
INCREMENT	$185,913
TOTAL REVENUE	**$185,913**
EXPENSES	
DEBT SERVICE PAYMENT	$104,658
TOTAL EXPENSES	**$104,658**
SURPLUS	**$81,255**

BIW TIF BUDGET FY 2020

TIF REVENUE	Detail	FY 2020 Budget Summary	Detail	FY 2019 Budget Summary	Detail	FY 2019 Actual Summary
INCREMENT		$1,549,298		$1,739,804		$1,739,804
TOTAL REVENUE		**$1,549,298**		**$1,739,804**		**$1,739,804**
EXPENSES						
DEBT SERVICE		$827,043		$849,259		848,873
2002 Streets Project DS	132,225		134,685		134,070	
2003 Comm. St. P.S./Sewer DS SRF	45,374		46,765		46,765	
2004 Streets DS (for 2005 projects)	44,215		46,224		46,224	
1999 Paving/Outfall/Centre St DS	228,656		235,687		235,688	
2006 Wastewater Bond	13,432		13,645		13,644	
2011 SRF LOAN	60,074		60,609		60,607	
2013 SRF LOAN	19,038		19,080		19,078	
Street Bond	118,654		123,439		123,672	
Zorach Fountain	22,250		22,850		22,850	
River Walk Debt Payment	143,125		146,275		146,275	
CONTRIBUTION TO BATH DEV CORP		164,050		172,800		164,000
City Manager	35,800	30%	34,800	30%	34,500	
Marketing. Community Spec	30,000	75%	26,500	67%	26,500	
Planning Director	50,250	75%	65,000	85%	55,000	
Assistant City Mgr/ Comm. Dev.	48,000	50%	46,500	50%	48,000	
CONTRIBUTION TO MAIN STREET BATH		32,500		32,500		30,000
Annual Fund	20,000		20,000		20,000	
Downtown flowers	12,500		12,500		10,000	
ECONOMIC DEVELOPMENT PROJECTS		83,500		73,500		77,203
Other - banner, camera, citizen involve day, dues, sister city	5,000		5,000			
Holiday Lights	20,000		12,000			
Newsletter	7,000		7,000			
Gazebo/Downtown Music	6,000		6,000			
Brochures/ Advertising	3,500		3,500			
Benches and Cans	5,000		5,000			
Downtown Improvements	10,000		10,000			
Fireworks	17,000		15,000			
Landscaping	10,000		10,000			
OTHER PROJECTS		447,500		595,000		150,792
Bell Wheel, DT Maint Building, Downtown Street Lights	10,000		10,000			
City Facilities - Train Station Capital Projects	15,000		15,000		2,878	
Commercial Street Engineering/ Construction			215,000			
Downtown Parking Study			60,000			
Elm Street Plaza Design			150,000			
Historic Survey			15,000			
Sidewalks downtown	50,000		50,000			
Waterfront Floats			12,000		24,000	
Roads - North St Eng/ Other					4,565	
Congress Ave Bridge Side Walk					23,946	
Riverwalk					14,547	
River Walk Downtown / Stage/ expansion to North End					11,374	
BIW Traffic Study			68,000		60,482	
Commercial Street Sidewalk	10,000				9,000	
Route 1 Barrier	100,000					
Downtown Façade Program	100,000					
Electric Vehicle Charging Stations	29,000					
Elm St Plaza	100,000					
Facilities - City Hall Balcony Lights	8,000					
Facilities - Hallet's Stret Clock Repairs	4,000					

Facilities - Street Light Poles	8,500
Facilities - Street Light Panels	5,000
Facilities - Reny's Parking Lot Lights	8,000

TRAIN STATION FUNDING	15,200	14,200	17,500
TOTAL	**$1,569,793**	**$1,737,259**	**$1,288,368**
SURPLUS (DEFICIT - from fund balance)	**($20,495)**	**$2,545**	**$451,436**

WINGFARM TIF BUDGET FY 2020

	FY 2020 Budget	FY 2019 Budget	FY 2019 Actual
REVENUE			
INCREMENT	99,267	108,215	108,215
TOTAL REVENUE	**$99,267**	**$108,215**	**$108,215**
EXPENSES			
DEBT SERVICE PAYMENT			
STREET BOND DEBT SERVICE PAYMENT	40,359	41,698	42,219
ALLOW ALLOC OF PUBLIC WORKS BUD	58,900	66,517	65,996
TOTAL EXPENSES	**$99,259**	**$108,215**	**$108,215**
SURPLUS	**$8**	**$0**	**$0**
Use of previous surplus			
WING FARM BALLOON PAYMENT			
ROUTE 1 IMPROVEMENTS			
DEBT SERVICE PAYMENT			29,208
ALLOW ALLOC OF PUBLIC WORKS BUD	26,100	11,483	19,004
	$26,100	**$11,483**	**$48,212**

DOWNTOWN TIF BUDGET FY 2020

	FY 2020 Budget	FY 2019 Budget	FY 2019 Actual
REVENUE			
INCREMENT	265,516	185,913	185,913
TRANSFER IN FROM RESERVE	0	0	
TOTAL REVENUE	**$265,516**	**$185,913**	**$185,913**
EXPENSES			
DEBT SERVICE PAYMENT	99,259	104,658	104,656
TOTAL EXPENSES	**$99,259**	**$104,658**	**$104,656**
SURPLUS	**$166,257**	**$81,255**	**$81,257**

F14

RESOLUTION AMENDING COMMITTEE MEMBERSHIP

COMMUNITY DEVELOPMENT COMMITTEE

WHEREAS, the Community Development Committee was established by Resolution of Council in 1992; and

WHEREAS, the Committee membership was established in the original Resolution; and

WHEREAS, it has been recommended that Committee membership be amended by adding two At-Large members.

NOW, THEREFORE, BE IS RESOLVED by the City Council of the City of Bath that the membership of the Community Development Committee be amended to add two additional At-Large members.